

in the United States Army and place him upon the retired list of the Army; to the Committee on Military Affairs.

Also, a bill (H. R. 7448) authorizing the President to appoint Charles McKee Krausse a captain in the United States Marine Corps; to the Committee on Naval Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

1427. By Mr. BIXLER: Petition of Rotary Club, Franklin, Pa., indorsing Kelly-Edge bill; to the Committee on the Post Office and Post Roads.

1428. Also, petition of members of Gus E. Warden Post, No. 526, American Legion Auxiliary, favoring bonus for World War veterans; to the Committee on Ways and Means.

1429. Also, petition of Gus E. Warden Post, No. 526, American Legion Auxiliary, Department of Pennsylvania, for adjusted compensation; to the Committee on Ways and Means.

1430. By Mr. BRIGGS: Petition of Clarence E. Gilmore, chairman, W. A. Nabors, commissioner, Walter Splawn, commissioner, Railroad Commission of Texas, opposing the passage of Senate bill 2224, to be known as "The railroad consolidation act of 1924"; to the Committee on Interstate and Foreign Commerce.

1431. By Mr. BURTON: Petition of the National Federation of Post Office Clerks, Local No. 72, Cleveland, Ohio, recommending favorable consideration by the committee of the bill H. R. 4123, and setting forth the reasons therefor; to the Committee on the Post Office and Post Roads.

1432. Also, petition of Asbestos Workers' Union, No. 3, of Cleveland, Ohio, urging passage of any resolution authorizing the appropriation of necessary funds to enable the President to send representatives of the United States to the forthcoming international conference; to the Committee on Foreign Affairs.

1433. Also, petition of the Cuyahoga County Council of the American Legion, February 18, 1924, approving the adjusted compensation bill now pending in Congress; to the Committee on Ways and Means.

1434. Also, petition of divers citizens of the city of Cleveland, requesting support of the measure now pending in Congress amending the Volstead act by permitting the manufacture and sale of beer and light wines; to the Committee on the Judiciary.

1435. Also, petition of the Italian Political and Civic Club, of Cleveland, Ohio, opposing the passage of the Johnson immigration bill; to the Committee on Immigration and Naturalization.

1436. Also, petition of post-office employees of the city of Cleveland, requesting support of the Kelly omnibus bill providing for a reclassification of postal workers' salaries; to the Committee on the Post Office and Post Roads.

1437. By Mr. CULLEN: Petition of the Gold Star Association of America, New York City, N. Y., favoring the passage of House bill 4109, which authorizes an appropriation to enable gold star mothers, fathers, or wives of deceased soldiers buried in France to visit the last resting places of their dead; to the Committee on Military Affairs.

1438. Also, petition of the Victor H. Bridgman Post, No. 44, Veterans of Foreign Wars of the United States, Brooklyn, N. Y., favoring an adequate readjustment of the salaries of letter carriers and post-office clerks; to the Committee on the Post Office and Post Roads.

1439. By Mr. DOYLE: Petition of the city council of Chicago, Ill., favoring the enactment of legislation that will provide for a flow of 10,000 cubic feet per second through the main channel of the Sanitary District Canal; to the Committee on Interstate and Foreign Commerce.

1440. Also, petition of the city council of Chicago, Ill., favoring an amendment to the transportation act of 1920 as will divest the Interstate Commerce Commission of any jurisdiction over rates of depreciation to be charged by local telephone companies; to the Committee on Interstate and Foreign Commerce.

1441. By Mr. GARBER: Petition of citizens from the eighth district of Oklahoma, requesting that nuisance and war taxes be removed or reduced; to the Committee on Ways and Means.

1442. By Mr. KIESS: Evidence in support of House bill 1542, granting increased pension to Mary D. Bilbay; to the Committee on Invalid Pensions.

1443. By Mr. KINDRED: Petition of Abraham & Straus, Brooklyn, N. Y., favoring a 1-cent rate for postage; to the Committee on the Post Office and Post Roads.

1444. By Mr. KING: Petition of the city council of Geneseo, Ill., favoring the adjusted compensation bill; to the Committee on Ways and Means.

1445. Also, petition of C. R. Hughes and 30 other citizens of Quincy, Ill., in favor of House bill 184, introduced by Representative McGREGOR, providing for the maintaining and encouragement of the raising of canary birds; to the Committee on Ways and Means.

1446. Also, petition of the American Legion Post No. 45, Galva, Ill., on February 4, favoring the adjusted compensation bill; to the Committee on Ways and Means.

1447. By Mr. McNULTY: Petition of the Federation of Jewish Social Agencies, of Trenton, N. J., against the Johnson immigration bill; to the Committee on Immigration and Naturalization.

1448. Also, petition of the Polish Clergymen's Society, Jersey City, N. J., against the Johnson immigration bill; to the Committee on Immigration and Naturalization.

1449. Also, petition of the Bayonne Lodge, No. 909, F. O. B. B., against the Johnson immigration bill; to the Committee on Immigration and Naturalization.

1450. Also, petition of the Master Barbers' Mutual Aid Protective Union Association, of Newark, N. J., against the Johnson immigration bill; to the Committee on Immigration and Naturalization.

1451. By Mr. PERLMAN: Petition of the board of directors of the American Hungarian Chamber of Commerce, meeting on February 26, 1924, opposing the passage of the Johnson immigration bill; to the Committee on Immigration and Naturalization.

1452. By Mr. YOUNG: Petition of 100 citizens of Linton, N. Dak., urging an increase in the duty on wheat from 30 to 60 cents per bushel, the repeal of the drawback provision and milling-in-bond provision of the tariff act of 1922, also urging the passage of the Wallace plan for the marketing of wheat; to the Committee on Ways and Means.

1453. Also, petition of 20 citizens of Wishek, N. Dak., urging the passage of House bill 4523; to the Committee on Ways and Means.

1454. Also, petitions of American Legion Post of Oberon, N. Dak., and petition signed by 162 citizens of Oberon and vicinity, and American Legion Post No. 118, of Gilby, N. Dak., urging the passage of the soldiers' adjusted compensation bill; to the Committee on Ways and Means.

1455. Also, petitions of S. G. Geortson and D. A. Baertch, of Bismarek, N. Dak., and C. I. Turner and other citizens of Heaton, N. Dak., urging an increase in the duty on wheat from 30 to 60 cents per bushel, the repeal of the drawback and the milling-in-bond provision of the tariff act of 1922, also urging the passage of the Wallace plan for the exporting of surplus wheat; to the Committee on Ways and Means.

1456. Also, petition of 16 ex-service men of Kathryn, N. Dak., urging the passage of the adjusted compensation bill; to the Committee on Ways and Means.

1457. Also, petitions of 25 citizens of Beulah, N. Dak., and vicinity; 11 citizens of Mandan, N. Dak.; 10 citizens of Souris, N. Dak.; and 3 citizens of Westhope, N. Dak., urging the passage of the Norris-Sinclair bill; to the Committee on Agriculture.

1458. By Mr. YOUNG: Petition of W. R. Beyer and other citizens of Fort Totten, N. Dak., urging the passage of House bill 6896; to the Committee on the Civil Service.

SENATE.

SATURDAY, March 1, 1924.

(Legislative day of Friday, February 29, 1924.)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

The PRESIDING OFFICER (Mr. MOSES in the chair). The Senate resumes the consideration of Senate Resolution 157.

ATTORNEY GENERAL DAUGHERTY.

The Senate resumed the consideration of Senate Resolution 157, submitted by Mr. WHEELER on February 13, as modified by him on yesterday, directing a committee to investigate the failure of the Attorney General to prosecute or defend certain criminal and civil actions wherein the Government is interested.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The principal legislative clerk called the roll, and the following Senators answered to their names:

Adams	Ferris	Ladd	Sheppard
Ashurst	Fess	La Follette	Shipstead
Ball	Fletcher	Lenroot	Shortridge
Bayard	Frazier	Lodge	Simmons
Borah	George	McKellar	Smith
Brandeggee	Gerry	McKinley	Smoot
Brookhart	Gooding	McLean	Stanfield
Broussard	Hale	McNary	Stanley
Bursum	Harris	Mayfield	Stephens
Cameron	Harrison	Moses	Swanson
Caraway	Heflin	Neely	Trammell
Couzens	Howell	Norbeck	Walsh, Mass.
Curtis	Johnson, Calif.	Norris	Walsh, Mont.
Dale	Johnson, Minn.	Oddie	Warren
Dial	Jones, N. Mex.	Owen	Watson
Dill	Jones, Wash.	Ralston	Weller
Edge	Kendrick	Ransdell	Wheeler
Elkins	Keyes	Reed, Pa.	Willis
Ernst	King	Robinson	

The PRESIDING OFFICER. Seventy-five Senators having answered to their names, a quorum is present. The pending question is on agreeing to the amendment proposed by the Senator from Massachusetts [Mr. LODGE].

Mr. LODGE. Mr. President, I have been informed that the President pro tempore, Mr. CUMMINS, does not desire to be intrusted with the appointment of this committee. He thinks it had better be appointed by the Senate. Under those circumstances I withdraw my amendment.

The PRESIDING OFFICER. The Senator from Massachusetts withdraws his amendment. The question is then upon agreeing to the resolution proposed by the Senator from Montana [Mr. WHEELER].

Mr. FESS obtained the floor.

Mr. McNARY. Will the Senator from Ohio yield to me for a moment?

Mr. FESS. Certainly.

AGRICULTURAL EXPORT COMMISSION.

Mr. McNARY. I ask unanimous consent to submit a report.

The PRESIDING OFFICER. If there is no objection, the report will be received.

Mr. McNARY. From the Committee on Agriculture and Forestry I report back favorably with amendments the bill (S. 2012) declaring an emergency in respect to certain agricultural commodities, to promote equality between agricultural commodities and other commodities, and for other purposes, and I submit a report (No. 193) thereon.

The PRESIDING OFFICER. The bill will go to the calendar.

Mr. McNARY. I ask that the report be printed.

The PRESIDING OFFICER. The report will be printed under the rule.

Mr. NORRIS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Nebraska?

Mr. NORRIS. There are two things I want to state.

Mr. FESS. I yield to the Senator from Nebraska.

Mr. NORRIS. The first thing I want to do is to ask unanimous consent to submit a minority report within seven days. I would like to state, so that there may be no misunderstanding, that the minority report does not mean that the minority is opposed to the bill which the Senator from Oregon [Mr. McNARY] has just reported. I will consult with other members of the committee and other Senators before the minority report is made. There is a minority of the committee that favors another bill in preference to the one just reported. There is no misunderstanding in the committee. The Senator from Oregon himself is favorable to the bill I would report, but he prefers the one that he has reported. I want to make that clear.

Mr. ROBINSON. Mr. President, will the Senator yield for a question?

Mr. NORRIS. I yield.

Mr. ROBINSON. What is the other bill?

Mr. NORRIS. It is known as the Norris bill.

Mr. ROBINSON. Known by some as the Norris-Sinclair bill?

Mr. NORRIS. Yes. While the Senator from Ohio has yielded to me, I want to make another brief statement to the Senate.

The PRESIDING OFFICER. Regarding the same subject?

Mr. NORRIS. No; a different subject.

The PRESIDING OFFICER. Will the Senator permit the Chair to put the unanimous-consent request?

Mr. NORRIS. Certainly.

The PRESIDING OFFICER. Without objection, the Senator from Nebraska is granted unanimous consent to file a

minority report within seven days, which minority report will be printed as part 2 of the report submitted by the Senator from Oregon.

PROSECUTION OF CLAIMS AGAINST THE GOVERNMENT BY EX-OFFICIALS.

Mr. NORRIS. Mr. President, several days ago the Senate passed seven resolutions calling upon the various departments for information. The resolutions were introduced by me. I would like to have the attention of the Senate, because what I am about to say is really in the nature of a notice to the Senate. I want the Senate to know what I did.

Yesterday I was called on the phone by the Secretary of the Interior, who told me that to comply fully with the resolution which applied to the Department of the Interior would require two or three weeks' time and take a large portion of his force. He called my attention to the various bureaus and branches of the Department of the Interior and wanted to send up some representative to consult with me about the matter. I asked them to come to my office this morning.

Three representatives of the Secretary of the Interior called on me this morning. They called my attention to the fact that to furnish the information called for by my resolution would, if carried out fully, require an examination, for instance, of all the land offices all over the United States and would require an examination of the Patent Office, the Pension Office, and so forth, and that including in it the ex-Members of the House of Representatives would include several thousand names, for which they would have to make an examination in all the various branches and bureaus of the department.

I made this suggestion to them: They are going to report it to the Secretary of the Interior and also to the heads of other departments, the Secretary of Commerce, and, I believe, one of the other Secretaries, with whom they had conferences, that are in a somewhat similar position. I said that in my judgment, if they had to do that, the information would come very late and would not be so useful, and that the Senate did not care for any information as it applied to certain branches like the Land Office, the Pension Office, and the Patent Office. I suggested that they should eliminate also from consideration under the resolution ex-Members of the House of Representatives. That would take away the largest number for which they would have to search and confine the resolution to ex-Members of the Senate and ex-Cabinet officials. I told them I would call the attention of the Senate to this suggestion, and that in my judgment the Senate would make no objection to that kind of a limitation; that they could make the report that far, and when the report was in, if the Senate desired them to go further, it could so indicate.

So I presume, unless there is some objection from the Senate, the report will come from all the departments confined only to ex-Cabinet officials and ex-Senators. I desired to make that statement to the Senate in order that the Senate might understand the matter.

Mr. COUZENS. May I ask what difference there is between an "ex-Senator" and an "ex-Congressman"?

Mr. NORRIS. An "ex-Congressman" includes both Senators and Members of the House of Representatives, while an "ex-Senator" does not include Members of the House of Representatives.

Mr. COUZENS. Why should ex-Members of the House of Representatives be excluded?

Mr. NORRIS. Mainly for the purpose of carrying the investigation forward without taking so much time and requiring so many employees to do the work. The resolutions call for the names of ex-Senators and ex-Members of the House who within two years after the time they shall have served, beginning in 1918 up to the present, have appeared as attorneys before any of the branches or bureaus of any of the departments of the Government. The House of Representatives is composed of over 400 Members, and there are more changes in that body than there are in the Senate. It may readily be seen that it will take a great deal more time if ex-Members of the House are also included, especially if we go into all the ramifications and branches of the subject.

Mr. COUZENS. But could we not include those who have been Members of the House of Representatives within the last two years?

Mr. NORRIS. Of course, the Senate can take any action it sees proper.

Mr. COUZENS. The practice referred to in the resolution is against the law?

Mr. NORRIS. It is, I should like to have the resolution apply to all ex-Members of the House of Representatives, but that would make the investigation and work of the departments much greater and would take much more time than if we confine it to ex-Senators. I thought, since they are Senate resolutions, it would be very appropriate if we confined the information to ex-Senators; and that the House of Representatives could pass a resolution relative to the matter if it wished to. When the information comes in, if it then only partially answers the inquiry, the Senate may ask for the additional information and in time obtain it.

Mr. COUZENS. Is it the opinion of the Senator that it would impose a very great additional task if we should include in the inquiry those who had been Members of the House of Representatives within the last two years?

Mr. NORRIS. If we should adopt that course, it would lessen the labor imposed by the resolutions.

Mr. COUZENS. I should like to see that information included.

Mr. NORRIS. I should like to see all of that information included, but when I was confronted with the enormous task which was before the departments and the way it would interfere with their routine work I thought that, at least, for the present, we might confine the request for information to ex-Senators and former members of the Cabinet. Then, when the information comes in, we can, of course, later ask for additional information.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House disagreed to the amendments of the Senate to the bill (H. R. 5078) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1925, and for other purposes; agreed to the conference requested by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. CRAMPTON, Mr. MURPHY, and Mr. CARTER were appointed managers on the part of the House at the conference.

The message also announced that the House had passed a bill (H. R. 6715) to reduce and equalize taxation, to provide revenue, and for other purposes, in which it requested the concurrence of the Senate.

PETITIONS AND MEMORIALS.

Mr. WILLIS presented a resolution adopted by the City Council of Toledo, Ohio, favoring the enactment of legislation granting increased compensation to postal employees, which was referred to the Committee on Post Offices and Post Roads.

Mr. CURTIS presented a resolution adopted by the Horton Federated Shop Crafts, of the Central Labor Union, American Federation of Labor, at Horton, Kans., favoring the prosecution and conviction of persons responsible for the killing and maiming of innocent employees through violation of the Federal laws relative to boiler inspection and safety appliances, which was referred to the Committee on Interstate Commerce.

He also presented a resolution of the Horton Community Chamber of Commerce, of Horton, Kans., protesting against making any amendment to the transportation act of 1920, which was referred to the Committee on Interstate Commerce.

He also presented a memorial, numerous signed, of members of the Santa Fe Supervisors' Association, of the Atchison, Topeka & Santa Fe Railway system, of Ottawa, Kans., remonstrating against the making of any substantial change in the transportation act of 1920, which was referred to the Committee on Interstate Commerce.

He also presented a resolution of the Rotary Club of Kansas City, Kans., favoring the enactment of legislation granting increased compensation to postal employees, which was referred to the Committee on Post Offices and Post Roads.

He also presented a resolution of the Independent Order B'nai B'rith, Beth Horon Lodge, No. 599, of Kansas City, Kans., protesting against the passage of the so-called Johnson selective immigration bill, which was referred to the Committee on Immigration.

He also presented a resolution of the Chamber of Commerce, of Marysville, Kans., favoring the passage of Senate bill 1012, creating a Federal agricultural export commission, which was referred to the Committee on Agriculture and Forestry.

He also presented a resolution of the American Legion Auxiliary, Kansas Department, of Topeka, Kans., favoring the acceleration of the work in the Veterans' Bureau and the employment, if necessary, of a more adequate force, which was referred to the Committee on Finance.

Mr. HARRIS presented telegrams in the nature of memorials from Loeb Apte Co., of Atlanta; and of Freeman & Co., T. H. Halliburton, E. M. Burney, Ouzts Mitchell & Whaley, and

Howard Produce Co., of Macon, all in the State of Georgia, remonstrating against inclusion of a broker's tax in House bill 6715, the revenue bill, which were referred to the Committee on Finance.

He also presented telegrams and a letter in the nature of memorials from the Blackshear Tobacco Board of Trade, of Blackshear; E. L. Meadows and S. B. Meadows, of Vidalia; the Chamber of Commerce, the Planters' Tobacco Warehouse, A. W. Gaskins, and the First Bank of Nashville, of Nashville; and A. T. Coppage, the Hahira Board of Trade, and J. E. Massey, of Hahira, all in the State of Georgia, remonstrating against the inclusion of an extra tobacco tax in House bill 6715, the revenue bill, which were referred to the Committee on Finance.

Mr. OWEN presented the following resolution of the Senate of the State of Oklahoma, which was referred to the Committee on Indian Affairs:

STATE OF OKLAHOMA, DEPARTMENT OF STATE.

To all to whom these presents shall come, greeting:

I, R. A. Sneed, secretary of state of the State of Oklahoma, do hereby certify that the following and hereto attached is a true copy of senate resolution 10, adopted by the senate February 8, 1924, the original of which is now on file and a matter of record in this office.

In testimony whereof I hereto set my hand and cause to be affixed the great seal of State.

Done at the city of Oklahoma City this 12th day of February, A. D. 1924.

[SEAL.]

R. A. SNEED,
Secretary of State.
UNA LEE ROBERTS,
Assistant Secretary of State.

Senate resolution 10 (by Cornett), memorializing the Congress of the United States to defeat that part of Senate bill No. 2065, by HARRELD, which provides for the repeal of 1 per cent gross production tax on royalties received by the Osage Tribe of Indians from oil and gas produced in Osage County, Okla.

Whereas on January 17, 1924, Hon. J. W. HARRELD, of Oklahoma, introduced in the Senate of the United States bill No. 2065, which provides, in part, for the repeal of section 5 of the act of Congress approved March 3, 1921, providing as follows:

"That the Secretary of the Interior is hereby authorized and directed to pay, through the proper officers of the Osage Agency to Osage County, Okla., an additional sum equal to 1 per cent of the amount received by the Osage Tribe of Indians as royalties from production of oil and gas, which sum shall be used by said county only for the construction and maintenance of roads and bridges therein."

Whereas the repeal of said act would mean a great loss to the county of Osage and the State of Oklahoma as well: Now, therefore, be it

Resolved by the Senate of the State of Oklahoma, That the Congress of the United States is hereby memorialized to defeat and oppose that part of Senate bill No. 2065 which provides for the repeal of said act of Congress approved March 3, 1921; be it further

Resolved, That a copy of this resolution be transmitted to each of the Senators and Representatives in Congress from the State of Oklahoma.

Adopted by the senate this the 6th day of February, 1924.

WASH. E. HOBSON.

Acting President pro tempore of the Senate.

Correctly enrolled.

W. C. LEWIS,

Chairman Committee of Enrolled and Engrossed Bills.

REPORTS OF COMMITTEES.

Mr. BAYARD, from the Committee on Claims, to which was referred the bill (S. 1180) for the relief of J. B. Platt, reported it without amendment and submitted a report (No. 194) thereon.

Mr. GEORGE, from the Committee on Military Affairs, to which was referred the bill (S. 1974) providing for sundry matters affecting the Military Establishment, reported it with amendments and submitted a report (No. 195) thereon.

Mr. SIMMONS, from the Committee on Finance, to which was referred the bill (S. 684) to authorize the coinage of 50-cent pieces in commemoration of the commencement on June 18, 1923, of the work of carving on Stone Mountain, in the State of Georgia, a monument to the valor of the soldiers of the South, which was the inspiration of their sons and daughters and grandsons and granddaughters in the Spanish-American and World Wars, and in memory of Warren G. Harding, President of the United States of America, in whose administration the work was begun, reported it without amendment and submitted a report (No. 196) thereon.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BALL:

A bill (S. 2694) to enable the trustees of Howard University to develop an athletic field and gymnasium project, and for other purposes; to the Committee on the District of Columbia.

By Mr. McNARY:

A bill (S. 2695) granting a pension to Adella M. Porter; to the Committee on Pensions.

A bill (S. 2696) making an appropriation for the relief of the Oceanic Shipbuilding Co., of Portland, Oreg.; to the Committee on Claims.

A bill (S. 2697) to fix standards for hampers, round stave baskets, and splint baskets for fruits and vegetables, and for other purposes; to the Committee on Manufactures.

By Mr. NORBECK:

A bill (S. 2698) for the relief of Edward M. Brown; to the Committee on Civil Service.

A bill (S. 2699) to amend an act creating the Custer State Park Game Sanctuary in the State of South Dakota; to the Committee on Agriculture and Forestry.

By Mr. SIMMONS:

A bill (S. 2700) for the relief of J. R. and Eleanor Y. Collie; to the Committee on Claims.

By Mr. FERRIS:

A bill (S. 2701) granting a pension to Amy Clark; to the Committee on Pensions.

By Mr. BURSUM:

A bill (S. 2702) granting a pension to Gabriela Perea; to the Committee on Pensions.

By Mr. SMITH:

A bill (S. 2704) to amend paragraph (3), section 16, of the interstate commerce act; to the Committee on Interstate Commerce.

By Mr. WILLIS:

A bill (S. 2705) for the reward of enlisted men of the Army who have been or may hereafter be awarded the medal of honor; to the Committee on Military Affairs.

By Mr. EDGE:

A bill (S. 2706) for the relief of Emil Schneider; to the Committee on Claims.

By Mr. SHORTRIDGE:

A bill (S. 2707) placing certain noncommissioned officers in the first grade; to the Committee on Military Affairs.

A bill (S. 2708) to further amend section 4756 of the Revised Statutes; to the Committee on the Judiciary.

By Mr. LENROOT:

A bill (S. 2709) for the relief of Henry H. Hall; to the Committee on Claims.

MARGIN OR BUCKET SHOP TRANSACTIONS.

Mr. KING. I introduce a bill to prevent the use of the mails and other communication facilities in furtherance of margin or bucket shop transactions. Heretofore I submitted a resolution calling for an investigation of the activities of the stock exchanges. I ask that the bill which I now introduce may be referred to the Committee on the Judiciary.

The PRESIDING OFFICER. The bill will be received, and the reference requested by the Senator from Utah will be made.

The bill (S. 2703) to prevent the use of the mails and other communication facilities in furtherance of margin or bucket shop transactions was read twice by its title and referred to the Committee on the Judiciary.

PROMOTION OF AGRICULTURE.

Mr. BURSUM submitted an amendment intended to be proposed by him to the bill (S. 2250) to promote a permanent system of self-supporting agriculture in regions adversely affected by the stimulation of wheat production during the war, and aggravated by many years of small yields and high production costs of wheat, which was ordered to lie on the table and to be printed.

FEDERAL RESERVE BANKING SYSTEM.

Mr. JONES of New Mexico. I submit a resolution and ask that it may be read and lie on the table.

The resolution (S. Res. 182) was read and ordered to lie on the table, as follows:

Resolved, That the Committee on Banking and Currency of the Senate be, and is hereby, directed to formulate and present to the Senate for its consideration a bill which will effectually provide for the use of the surplus and current net earnings of the Federal reserve banking system as a guaranty for the prompt payment of the just claims of the depositors of all member banks of said system.

HOUSE BILL REFERRED.

The bill (H. R. 6715) to reduce and equalize taxation, to provide revenue, and for other purposes, was read twice by its title and referred to the Committee on Finance.

ATTORNEY GENERAL DAUGHERTY.

The Senate resumed the consideration of Senate Resolution 157, submitted by Mr. WHEELER on February 13, as modified by him on yesterday, directing a committee to investigate the failure of the Attorney General to prosecute or defend certain criminal and civil actions wherein the Government is interested.

Mr. FESS. Mr. President, I have been content to remain quiet during the months while I have been a Member of the Senate, as I thought it might befit a new Member of the body. I had not intended to participate in this debate at all, and I did not determine to do so until a remark was made at the close of yesterday's session by my friend the Senator from Nebraska [Mr. NORRIS] in reference to the proceedings in the other body on impeachment proceedings. I have reread what the Senator said yesterday, and I now want to absolve him from the first impressions that I had, that he was charging that that proceeding was an unfair and rather a partial examination. The Senator from Nebraska did not make that statement. However, he stated that he had been told that the proceeding was not fair. I think, in view of the fact that such a statement has been made on the floor of the Senate, which gives it a certain prestige and carries with it more or less responsibility, something ought to be said in regard to that proceeding. I assure the Senate that I shall not violate the rules of the Senate in any reference that I shall make in regard to the action of the other House. I shall not only respect the rules as I know them but I shall hope to avoid any insinuation of any sort that might reflect upon any action of any Member of that body.

I watched the proceedings of that investigation as carefully as could any Member of the House of Representatives not a member of the committee. There were reasons for my doing so, because impeachment proceedings are unusual; very few in our history have been a matter of record; and when charges are made such as were made in the House of Representatives against the Attorney General—seven in number, quite severe—it behooved every Member of the House to follow the proceedings carefully, because he was going to be called on to vote on the question.

It has been stated here that the progress of the proceedings turned into a persecution of the proponent of the impeachment resolution. While that is not the case, yet there was a pretty rigid examination and some very sharp remarks were made both in the committee and in the House when the report of the committee was being acted upon. I do not think that any responsible Member of the Senate, either on this floor or outside of the Senate, would want to risk his reputation for fairness by a statement that a committee made up as that committee was made up would be partial in its proceedings.

I should like to refresh the memory of the Senate as to the personnel of that committee. It was headed by Mr. Volstead, who had been a Member of the House for 20 years, who is recognized everywhere as a great lawyer, and who has always been regarded as impartial and very fair-minded. On that committee also was Mr. GEORGE S. GRAHAM, of Philadelphia, eminent in his legal attainments and without doubt one of the great lawyers of the country. On that committee was Mr. DYER, elected from Missouri first in the Sixty-second Congress and, with the exception of one term, continuously a Member of the body since then up to the present time, and still a Member of the House.

On that committee was Joseph Walsh, of Massachusetts, universally accredited as not only one of the best parliamentarians of the House but easily one of the best jurists and one of the fairest of all fair-minded men. I think nobody who knows Mr. Walsh would think for a moment that he could under any sort of pressure be induced to render an unfair decision. The fact of his fairness has been affirmed by an appointment to the judiciary by the late President because of his high eminence in the law, and he voluntarily left the House for that position.

On that committee was the distinguished Member from the Lincoln district of Nebraska, Mr. Frank Reavis, universally accredited an eminent lawyer and a fair-minded jurist. I am sure that those who know Frank Reavis as I know him would not for a moment charge him with anything that is unfair, especially in a judicial proceeding.

On that committee were such men as David G. Classon, of Wisconsin; Judge BOIES, of the Sioux Falls district of Iowa; Mr. CHRISTOPHERSON, of the Sioux Falls district of South

Dakota; ex-Gov. RICHARD YATES, of Illinois, son of former Governor Yates, the war Governor of Illinois. Mr. YATES twice was elected as Representative at Large from the State of Illinois and, without doubt, if he is a man with an unfair mind he would not have secured such an indorsement as his enormous majority indicated at the polls in that election.

On that committee also was Mr. Goodykoontz, of West Virginia; Walter Chandler, of New York; IRA G. HERSEY, of Maine; my own colleague, Mr. FOSTER, of Ohio; Mr. MICHENER, of Michigan; and Mr. HICKEY, of Indiana. I know all of these men personally and professionally. I am certain that none of them is capable of sitting on a case like this and rendering a partial decision from the facts that are adduced.

But, Members of the Senate, I am not satisfied to limit the observation to these members. I wish to call your attention to Mr. HATTON W. SUMNERS, of Texas, one of the brainy men of the other body, one of the clearest-headed men whom I know, and without doubt free from anything that would lead him to a partial decision when a man's reputation is at stake. I have known this man as a leader along lines on which he has impressed himself on the country.

Mr. CARAWAY. Mr. President—

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Arkansas?

Mr. FESS. I yield.

Mr. CARAWAY. I will ask the Senator if Mr. SUMNERS did not disagree to the report of the committee?

Mr. FESS. Mr. SUMNERS disagreed with the committee on just one question.

Mr. CARAWAY. On every question.

Mr. FESS. He disagreed on one question. Mr. KELLER refused to come before the committee to testify upon the charges he made, at the same time indicating that he had the facts to prove them. Mr. SUMNERS wanted Mr. KELLER subpoenaed, but the committee voted that it was not the proper function of the committee to subpoena a Member of the House. Mr. SUMNERS disagreed with the committee on that one point, but agreed with the committee upon the question of discharging the committee from further consideration of the measure.

On that committee sat Governor MONTAGUE. Need I make any comment on this ex-Governor of Virginia, who was appointed by Grover Cleveland district attorney in the Old Dominion State, who was elected by his people as State's attorney, a position which he held for four years; who was elected Governor of the State of Virginia, and reelected; stood as a delegate at large in the national convention of 1904; came to the House of Representatives, where he was recognized by everybody, Democrats and Republicans, as one of the fearless men of that body, and without a doubt to-day he is one of the most promising, forward-looking, and eminent statesmen of either branch of Congress? He not only voted to discharge the committee from further consideration of these charges, seven in number, but he made an eminent argument on the floor of the House, pointing out that there was no foundation whatever for the charges that had thus been made.

Who is there on this floor that would charge that Governor MONTAGUE is a partial-minded man, or that he would render an unfair decision upon a matter of this sort? It strikes me, my colleagues, that the Senate is reaching a rather low level. I hope this is not the school of scandal. I hope it is not the sluiceway through which flow all sorts of charges, supported and unsupported, to bring discredit in the minds of the public against public men. I sincerely hope that this distinguished body is not to-day on trial before the public mind, wondering whether, after all, everybody connected with the Government is not crooked, because of irresponsible statements that are bandied first from one to another and then vice versa. The United States Senate is remembered to-day only by those who read the textbooks as the forum in which operated the Calhouns, the Clays, the Websters, the Searns, the Shermans, men of the type whose utterances to-day are commonplace, read by the children of our land whose only conception of the United States Senate is that received from reading those utterances. I sincerely hope that the public mind is not being diverted from the standard reached by this body under the leadership of such men as have made it distinguished to the low level where we are not a legislative body, if we judge from the events of the last two months; we are not a deliberative body, if I have a right to judge from what I have seen in the last two months; but we are an inquisition, and we have become a sluiceway, and if suspicion is raised against any man the only qualification is, "Has he entered public service?" Has it come to the point where the only safety is for a man to be a pauper, a do-nothing, a nonentity; otherwise he is to be charged

with being subject to the predatory interests of the country and with undertaking to cover up what ought to be uncovered? I say, Mr. President, that this proceeding for the last two months has been a shame and a disgrace to America, and we ought to be ashamed of such a performance as has gone on.

I absolve certain things that have been done. I want to let it be known, as I have let it be known to the public, that the attitude of the senior Senator from Montana [Mr. WALSH] is most admirable. He has done a service to the country. The only thing that was in that joint resolution, for which I voted, that I wished had come out of it was the preamble. While it is not my business and not my province and probably not my privilege to comment upon certain things that I think ought not to take place in this body, yet it seems to me that we ought not to permit a resolution to be a means by which the preamble can drag all sorts of stump speeches into legislation. So far as I am concerned, in committee or out, I shall use my influence to prevent that; and if resolutions coming to the committees of which I happen to be a member persist in dragging in irrelevant and unauthorized and irresponsible utterances in the form of stump speeches, I shall reserve my right to vote against the resolution in the committees, and if I am doing wrong I am ready to resign from the committees.

Legislation should have a certain standard, and it should not stoop to the level of charging everybody irresponsibly, and assuming that those charged are guilty, when everybody knows that the genius of American liberty is to presume that the one charged is innocent until he is proved guilty. The only thing that I did not like in the joint resolution of the Senator from Montana was the preamble. We could not take that out; but with it in, rather than be misconstrued as being opposed to investigating the legality of these leases, I joined with other Members here, and voted for it.

Mr. President, what I am saying is not against investigations. What I am saying is not against what the Senate did on the leasing resolution. I have no doubt that had it not been for the leadership of the distinguished Senator from Montana [Mr. WALSH], we should have been thrashing out this thing on this floor, as if the Senate were a mere inquisition; but he took the lead to say, "This is not a legislative matter." I use his words. "This is a judicial matter. This is not for the Senate. This is for the courts"; and he proceeded upon that basis, and we all joined him, ready to go to the courts to determine the legality of these leases. While I am not going to prejudge, I shall not be at all surprised if, when the matter is tested in the courts under the direction of the strongest legal talent that we could secure—securing one eminent lawyer from Pennsylvania, and a very eminent lawyer from my own State—I should not be surprised if, when we go into the legality of those leases, they should be found to be legal. I mean by that that after all our province is to see that the court, which is the right process, shall determine the legality or otherwise of these leases. That we voted for; but see the limit to which we have come! As soon as that decision was made, then comes in a resolution to call upon the President, to direct him or invite him to ask the withdrawal of a member of his Cabinet.

Mr. President, the one feature that differentiates the American system from every other government on earth is the coordinate equality of the departments of government. That is the one thing that distinguishes us from every other government. Lord Bryce, in his American Commonwealth, commented upon that beyond any other foreign publicist who is living or has lived. In that work he said that in the respect that each government has the legislative, executive, and judicial functions, we are not different from any other government of history, for all of them have the three functions. It was Blackstone who said: "Intelligence to make the laws, good will to interpret the laws, and power to enforce the laws"; but some governments put the three in one. There you have a despotism, if the power goes to the executive. Other governments put the three in the legislative, as is rapidly coming to be the case in Great Britain. Therefore Great Britain in many respects is more democratic than is our country.

Great Britain's power, both in legislation and interpretation and enforcement, is not only in Parliament but it is in the House of Commons. It is America, our Government alone, that makes an executive here, a legislative there, a judicial elsewhere, each independent, each interdependent, no one consulting the other in the province of exercising its function. And yet, with that the very genius of American life, here we have this body sending to the President a resolution directing or inviting him to withdraw from his Cabinet a member that certain people here think can be played upon for political

purposes. We not only voted for that resolution, but we went further and voted to send it to the President, inviting him to give us the spanking that we so well deserved, and that we got.

That is the next step that was taken. Now comes this one—the step that is pending here to investigate the Attorney General.

Mr. ADAMS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Colorado?

Mr. FESS. I yield.

Mr. ADAMS. I should like to ask the Senator whether he thought the President was acting within his rights when, in his New York speech, he asked the people of the country to write to Congress and advise them what they should do in matters of legislation?

Mr. FESS. I do not know whether the President made any such statement as that. I heard the speech myself. I do not now recall any such statement. If he made that statement I should criticize it. I was one of the men in the other body who called attention to the tendency to extend the executive function over the legislative in the last administration, and I did it, not because I disliked anyone but, on the other hand, because I admired greatly the man who was doing it.

This resolution now comes on. I have no objection to it. This is what the Attorney General would like to have done. He wants the right that is guaranteed to us, that everyone charged shall have a hearing. I wonder with what interest our Democratic friends recall the terrific fight that was made in the Constitutional Convention and immediately afterwards, on establishing a bill of rights. Only a short while ago I heard a distinguished Senator make a very eloquent speech that I greatly enjoyed, and everybody present was edified. In that speech he exalted the idea of the civil rights bill, and he accurately and authoritatively quoted George Mason, of Virginia, as the author of the famous civil rights bill that was adopted even before the Declaration of Independence was adopted.

As he said, that has come to be the civil rights statement, or the bill of rights statement, in almost every State constitution of the 48 States of our great Nation. The civil rights bill was not put into the Constitution of the United States. A terrific fight took place as to whether it should be made a part of the Constitution. Certain elements in the convention said that the Bill of Rights had no part as an organic portion of the instrument, and they suggested that, instead of making the Bill of Rights a part of the organic law, it be submitted in the form of amendments, and that the States be allowed to pass on those amendments. Twelve amendments were submitted, 10 of which were adopted, and those 10 are the famous Bill of Rights which was originally outlined by the great Virginia statesman and which have been applauded ever since by Democratic leaders, especially by Thomas Jefferson, who was not a Member of the Constitutional Convention, but who was a close student of what was going on.

What is in that Bill of Rights? The very first item is the right of liberty of religious worship; then the right of liberty of expression, then liberty of assembly, and liberty of the press. Then there is a provision that the home shall be protected, and following that the fifth and sixth amendments, which guarantee to anybody charged a presentation of the charges against him and a trial by an impartial jury.

Members of the Senate, that is fundamental in America; that is the very genesis of our institutions; and this body is not going to deny the right to be heard to one charged with an offense. Neither will they, I hope, create a committee which is prejudiced one way or the other so as to defeat the fair, impartial trial of the case.

I have read the names of those suggested for the committee, and I have nothing to say against the personnel. I would have preferred that some one less convinced that there is guilt already, without any investigation, be placed on it than my good friend the junior Senator from Montana [Mr. WHEELER], although I am willing, naturally, to submit to what the Senate shall do.

I have absolute confidence in the good faith of and have the greatest admiration personally for my friend the junior Senator from Iowa [Mr. BROOKHART], a lovable character; yet he will not take offense when I say to him that I would prefer to have the senior Senator from Nebraska [Mr. NORRIS] on the committee, who took exception last night to certain things, for the reason that my friend from Iowa has been for years connected in his life and thought with certain drifts in industry which make certain acts of Mr. Daugherty very offensive to him. I hope that the members of the committee will not be so prejudiced that fair treatment can not be given, and I hope I am saying nothing offensive to the Senator from Iowa.

I am not speaking as a partisan of Mr. Daugherty. As those who know me best know, and those who do not know me so well will learn, I have never been one of the great admirers of Mr. Daugherty; but I have never doubted his honesty, I have never doubted his probity, I have never doubted his integrity, and, as far as I can, I shall go to the limit to see that he be given a fair trial. I mentioned the senior Senator from Nebraska, because I have known him for so many years; I know him as a fighter; I know him as a four-fisted fighter, but never striking below the belt. That is the reason I hope the senior Senator from Nebraska may go on this committee.

I shall not resist the resolution. I shall vote for the investigation to go on. I do, however, want to absolve the committee in the other House from being a prejudiced committee or rendering a partial decision. Certain charges were made. They were gone into. There were 21 members of the committee, which was a standing committee, and one of the biggest in the House. Every member of the committee was a lawyer, every one a lawyer of distinction. They came out of the committee with a report. One man voted against the resolution to discharge the committee from further action, while the others stood against the charges being at all established, and therefore voted to dismiss them.

Mr. WILLIS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Ohio yield to his colleague?

Mr. FESS. I yield.

Mr. WILLIS. Just at that point, does my colleague recall the vote in the House on the committee report?

Mr. FESS. The vote was 206 to 78, and among the 206 were a great many Democratic Members.

Mr. ADAMS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Colorado?

Mr. FESS. I yield.

Mr. ADAMS. Before the Senator concludes I want to verify for his recollection the portion of the President's speech in New York to which I have referred and which appears at page 2384 of the Record. He stated:

But the people of the Nation must understand that this is their fight. They alone can win it. Unless they make their wishes known to the Congress without regard to party, this bill will not pass. I urge them to renewed efforts.

Mr. FESS. I state to the Senator from Colorado that I still question the wisdom of the statement. The Senator will see that that is only expressing the right of petition, which we find guaranteed in the first amendment of the Constitution. However, I doubt the wisdom of the President even taking that position over the legislative body. I say that frankly; I would say it against any President.

Mr. ADAMS. May I be permitted to say just a further word? If the Senator will pardon me, I think that answers in part the argument he made, that if the President feels that it is proper to have his opinion not only expressed by himself to Congress but reinforced by his urging upon the public, which certainly is a path which he has laid out, it is not improper for Congress to follow in expressing their opinion as to matters which they have investigated in order that he might have the benefit of the opinion of Congress, not that Congress is trespassing upon his constitutional powers, but merely expressing to the President their opinion, based upon matters which the Congress has investigated in the exercise of their constitutional powers.

Mr. FESS. The Senator from Colorado will recognize that the Constitution authorizes the President to make his views on the state of the Union known to the Congress. He does it either through a written statement, in the form of a message, or a spoken statement from the desk. Everybody admits that is a proper function. I think most people also would say that the right of petition could be recommended by the President. I have my serious doubts as to whether the President should do it.

Mr. ADAMS. Would the Senator go far enough to say that the President would have power to have a bill drafted down to the final dotting of the "i's" and crossing of the "t's," and sent to Congress, and then insist that the country coerce Congress, the legislative body, into passing that particular measure?

Mr. FESS. I do not know that anybody ever did that except President Wilson. I do not suppose anybody else would do it.

Mr. ADAMS. On my desk is a copy of the Mellon plan, prepared in one of the executive departments and sent here, as I understand it, with the determined effort that the bill shall be passed just as drawn and just as submitted to Congress.

Mr. FESS. I would say to the Senator from Colorado that if it passes just as it was drafted, it will not be because it was written by the Secretary of the Treasury or recommended by the President; it will be the judgment of the House and Senate, in their decision, and then the President has the legislative function, if he wants to exercise it, either to sign or veto the bill. That, in my judgment, is the legitimate course to be pursued by both Congress and the Executive.

Mr. WALSH of Massachusetts. Mr. President—

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Massachusetts?

Mr. FESS. I yield.

Mr. WALSH of Massachusetts. The Senator has made a very severe arraignment of the Senate. I never have heard a worse one. He has said that the proceedings in this body for the last two months have been disgraceful and scandalous. Granting that, I hope the Senator will not take his seat until he admits that the proceedings disclosed before the Committee on Public Lands and Surveys were scandalous and disgraceful, and perhaps the Senate had some reason for its conduct, considering the subject matter it had to deal with.

Mr. FESS. I would say to the Senator from Massachusetts that if he wants to be regular and deliberative he will wait for the report of the Committee on Public Lands and Surveys and then act upon their report. He will not drag in a lot of unsubstantiated rumors and undertake to establish the facts by a mere whispering campaign, as this thing has become.

Mr. WALSH of Massachusetts. Was not the resolution we adopted reported from the Committee on Public Lands and Surveys?

Mr. FESS. It was.

Mr. WALSH of Massachusetts. Does not everybody in the country know that for the first time in years a Cabinet officer has corruptly transferred irreplaceable assets of the Government? Why does not the Senator denounce those responsible for the public scandals instead of reflecting on the conduct of the Senate?

Mr. FESS. The Senator is gratuitous in that. He says "everybody knows." If everybody knows, why should we have the investigation? We are waiting for the proper procedure in a court of justice to determine the facts, and when those facts are in, then the Senator can make his speech, and he probably will revise his utterances.

Mr. WALSH of Massachusetts. Does anybody dispute now that a member of the Cabinet received money improperly for transferring assets of the Government to private interests? Does the Senator dispute that? Does he want more evidence along that line? The Senator apparently has no words of condemnation for the fraud and corruption that has caused the Senate to act.

Mr. FESS. I would say to the Senator from Massachusetts that when we reach the point of saying "Does anybody dispute it?" I do not dispute it, but I do not assert it. Neither can the Senator assert it until the facts are all in.

Mr. WALSH of Massachusetts. My purpose in asking the Senator the question was to have him at least find some justification to the body of which he is a Member for the conduct he describes, in view of the disclosures which have shocked the country, and which naturally would be reflected here by very sharp, intense, and bitter debate.

Mr. FESS. Mr. President, in all matters of this kind the difficulty is that a man's views are always colored by the thing in which he is interested and the subject that is being discussed. We can not view the situation throughout the country from Washington. We can not view it from the Senate. There is not a man here who knows the situation throughout the country. Let me illustrate what I mean.

Here is a letter, only one letter of many that come to my desk, asking, "What is the situation in the Senate?" In part, the letter reads:

It occurs to me that a lot of Senators have a serious case of hysteria, and are exploiting themselves in a way that would better become a corner grocer than what should be a dignified Senator. This is also true in some respects of the other body. It is exasperating to the men of the country to witness such an exhibition of petty politics as now disgraces both the Senate and the House. This is the time for exhibitions of some common sense.

That is only one letter coming from men of balanced minds who believe that the Senate of the United States is to-day on trial. I need no further evidence than the testimony of men who sit in this body who are being thoroughly disgusted with what is going on from day to day, and it is on both sides of the Chamber. It seems to me that it is about time for the Senate of the United States to get back to something like the Constitution that created it. So far as I can go, I propose to vote for

the investigation, and I also will vote for the prosecution to the very limit of anyone found to be guilty, but I will not allow any manufactured clamor nor any petty politics nor any organized political régime to lead me to vote against the integrity of a man and assassinate his reputation without his having first a trial. That is un-American, and we ought to be ashamed of such procedure.

Mr. CARAWAY. Mr. President, one shudders to think of what would have happened to the Senate if the distinguished Senator [Mr. Fess] who has just taken his seat had not come here. All intelligence and all decency reside with him. All sense of propriety he possesses, and both sides of the Senate are devoid of the dignity they should have and the sense of justice that should actuate them, and therefore, like the schoolmaster, he reads the Senate a lecture.

But I want to say that nobody ever heard of the Senator from Ohio lecturing the Senate except when the Senate was trying to prosecute criminals, and criminals that belong to his party. His first speech in the Senate is to defend the Attorney General, because that is all it means. It is to lecture the Senate so that it shall pack the jury. I think everybody understands the Senator from Ohio and his purpose in reading the Senate a lecture this morning.

He read the Senator from Nebraska [Mr. NORRIS] a lecture about discussing the Judiciary Committee of the House as not being quite fair and undertook to show that it was fair and eulogized the membership of that committee. I served six years on that committee. He began by saying—and that is as near the truth as anything else he said—that Mr. Volstead was a great lawyer. God bless your soul, Volstead could not get a license to practice law anywhere unless by waiving his examination. I know something of Volstead. If he were now a Member of the House, I could not discuss him; but to call him a great lawyer is such a flight of imagination that even the Senator from Ohio, I should have thought, would have paused a minute before he paid that tribute.

It may be that the Senate is hysterical. If it is, it is hysterical in trying to see that crime shall be punished and the people's property protected. Only two Senators on the other side are hysterical, like the Senator from Ohio, in seeing that nobody is punished and no public property restored. He ventured the assertion that the contract made by Fall to Sinclair was legal, and even that Doherty and Sinclair were rightfully in possession of Teapot Dome and reserve No. 1. Now, we are apt to find out that Fall, who will not tell where he got the money and first told a deliberate falsehood about it, had an absolute right to sell our naval reserves and sold them legally, and that Sinclair and Doherty had a right to buy them. The people would get a fair trial with a jury of such distinguished men as the Senator from Ohio. The public rights would be preserved and criminals would tremble with that kind of an apologist in the Senate for men who corrupt public officials and for corrupt considerations sell the public property and endanger the very life of America by selling every drop of oil that was to steam our ships in time of war.

We are to hear a lecture of the Senate upon propriety. Oh, you know if we all had such propriety, the people would have some right, indeed, to suspect the Senate did not function, as the Senator from Ohio said. I am sure the Senator from Ohio would entirely approve of what is now disclosed to be a fact, that the Department of Justice turned over the secret code so that the criminals who were being pursued might keep in touch with the Department of Justice and by it be protected.

I should say that the Senator from Ohio could find no more appropriate occasion to rise than in view of that disclosure. He says he wants to vouch for the absolute integrity and high character of Mr. Daugherty, and here we are confronted with the fact that not only did Mr. Daugherty do nothing to help fathom the crookedness of public officials, to help restore public property stolen from the public, but he, on the other hand, lent positive aid by loaning the secret code of the Department of Justice to the criminals in Florida to communicate with criminals in the Department of Justice so that no investigation could be had and no disclosures had. Upon that disclosure the Senator from Ohio rose and said the Senate was hysterical and the Attorney General honest. That sort of recommendation ought to go a long way with everybody. I do not know and the public does not know what all the facts are.

Even Mr. Wile, who is the mouthpiece of the President since he got a cup of coffee and a sandwich on the Mayflower one day, is out in an article this morning—and I hope the Senator from Ohio will read him a lecture for being hysterical—saying that Cautious Cal is also growing nervous, because under the headline, "The President will strike soon for clean régime," Mr. Wile has the following to say:

Calvin Coolidge within a comparatively few weeks will take action in connection with current events at Washington designed to justify the confidence which he feels the country has in him.

A few weeks? How many weeks nobody knows, but sometime, when the cautious President shall have waked up, he is going to say something. Oh, I wish the Senator from Ohio would go down there and say, "Now, Mr. Coolidge, do not get hysterical. Take your time. Do not be swept away by the hysteria or by thieves stealing the public property, but wait. Oh, wait a few months, and after awhile the thing may blow over," because that is the hope of those people who are talking about hysteria now. The article goes on a little further and says:

To nobody, not even his most intimate advisers, has the President thus far confided the nature of the step he will take. Only so much can be said—

Here is where the hysteria comes—

and it is stated on high authority that before May 1, or perhaps much sooner than that, Mr. Coolidge will resort to measures of a positive kind.

I am so glad that he is not going to be swept away by that hysteria that so excites my friend from Ohio. He is going to take until May 1, but nobody knows what he is going to do. In the meantime he sits in the White House and leaves unanswered the statement that in this important investigation the man who was in the worst of it should have easy and quick access to the White House, because in a telegram sent from Washington one of the reasons urged for putting the private wire of Mr. McLean was "so that you may have quick and easy access to the White House."

They put in charge of that wire the man who was in charge of the confidential wire in the White House, so that there could be no misunderstanding. The same man handles both messages, and he will know what McLean says to Fall and what Fall said to Mr. Slomp after he went to Florida, and for what purpose Slomp was going. They even sent a code message to say to Mr. McLean in Florida that the Senator from Montana [Mr. WATSH] is taking the 10.35 train. Not a thing could happen but what they were informed, and in order to make the matter absolutely quick and sure they say, "You put in a private wire, and you will have quick and certain connection with the White House."

Oh, if it were not for exciting the distinguished Senator from Ohio to the same kind of hysteria that he so much condemns and so aptly illustrates, I would like for the President to say whether or not he had any communication with those people in Florida. I think he owes it to 100,000,000 of American people, who are swept, as the Senator from Ohio said, by hysteria, to say whether there is anything in the statement that "We want the private wire so we can have quick and easy communication with the White House."

I want to know—and I know the Senator from Ohio condemns me for asking the question—what right Mr. McLean has to have "quick and easy" access to the White House when he was shielding as best he could a criminal that he knew to be a criminal? I would like to know, if it is not too agitating to the Senator from Ohio, who is afraid everyone is going to grow hysterical except himself, why the Attorney General should turn over the secret code to enable criminals and their aiders and abettors to frame a defense? The Senator from Ohio will tell me to wait until the committee shall report.

I remember that same argument was made when I introduced a resolution to cancel the leases. The distinguished Senator from Wisconsin [Mr. LENROTH] said that it was a reflection on the committee and ought not to be urged at that time. I know he thought it, but I know, also, that after awhile everybody got interested and even those gentlemen who abhor hysteria voted for a resolution to employ lawyers to try to cancel the leases which the Senator from Ohio now feels are legal. I will say to the Senator from Ohio that I would have the courage of my hysteria. I would not have voted for the resolution to have canceled a lease I thought was legal. I would not have stultified myself. I would have been the one outstanding Senator in the Senate. I would have risen in my place and said to the country, "I think this transaction between Fall and Sinclair was proper; I think Fall ought to have sold the leases; I think he ought to have been paid for them, and since I believe that I will not be hysterical; I will be courageous; I will show the country what a Senator ought to be. I vote 'no.'" But the Senator did not do it. He swallowed it absolutely, preamble and all, and to-day is the first time that the waiting country ever knew that the Senator from Ohio did not believe in the preamble as much as he believed in the resolution.

Oh, it is so wrong for the Senator from Ohio, on whose words the country hangs, to have concealed from the public all these weeks that he did not believe those contracts were conceived in fraud and carried out in iniquity. He did not believe in the resolution for which he voted, and he did not believe that the hysteria that swept the Senate, which is asking for fair play, asking for justice, ought to be heeded. He read a letter from somebody, whose name I do not believe he gave to the Senate, commending his course. I will wager that the man said, "Don't tell on me, because nobody believes it when I say that the people are condemning the Senate for being honest and upholding the Attorney General for being a crook."

I am not going to discuss very much more the committee's action in the House in whitewashing Mr. Daugherty. There is not much to say about it. I am entirely familiar with the personnel of the committee. I do know what Mr. WOODRUFF, a gentleman that did more than the Senator from Ohio ever did in his life and got every vote in his district when he ran for Congress, said about it. Of course I was on the committee at one time, but I got off of it.

Oh, I know what Mr. WOODRUFF said. I consulted with him, as I did with other people. He said they would not hear KELLER; and I know, if the newspaper stories may be believed—and I do not see any reason why they may not be—it never was an investigation of Daugherty, but it was a browbeating process of destroying KELLER. Then the chairman wanted to put KELLER on trial because he would no longer submit to a heckling that no self-respecting white man would submit to.

However, this is one of the smoke screens about which the senior Senator from Ohio [Mr. WILLIS] talked so much yesterday as being thrown up. I should like the distinguished Senator from Ohio, when he gets over his hysteria, to tell the Senate what this telegram means. It was sent by Bennett to McLean and is dated January 29, 1924:

Saw principal; delivered message. He says greatly appreciates and sends regards to you and Mrs. McLean.

Now listen to this:

There will be no rocking of boat and no resignation. He expects reaction from unwarranted political attack.

Who is the "principal"? Who knows whether there will be any resignations or not? Who knows there will be "no rocking of boat"? Without so much agitating the Senator from Ohio, who knows everything and modestly admits it, I should like for him to say who is the "principal." Who is it that knew that nobody was going to be put out of the Cabinet? Who knew that nobody was going to "rock the boat," and who was praying that this political agitation, this hysteria, would soon pass away?

I say, Mr. President, if it is hysteria which has swept the country, every honest man except the Senator from Ohio should thank God that hysteria swept the Senate one time, because if it had not been for the hysteria in the Senate there would have been no disclosure of the treason on the part of the former Secretary of the Interior, Mr. Fall; for everybody knows that the Attorney General, if he had been in possession of the facts would not have done it, because he permitted his agent, Mr. Burns, to turn over to the friends of the accused the private code and inform them of every step that was being taken and instructed them to be very cautious. They sent a wire down there, "Do not even mention 'peaches' or 'apricots' or 'pears' in anybody's presence for fear somebody will know that you have got the code." That is what it means. "We have given you this code now, and don't go around talking, lest somebody should find out that you have it." They mention "ducks." I guess that was hysteria. They started talking about "ducks" and "peaches" and "pears" and "apples" and sending code messages.

Mr. WHEELER. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Arkansas yield to the Senator from Montana?

Mr. CARAWAY. I yield.

Mr. WHEELER. Does not the Senator know that the man who is referred to as Duckstein is the private and confidential secretary of Mr. McLean?

Mr. CARAWAY. No; I did not know that.

Mr. WHEELER. Does the Senator know that Mrs. Duckstein was, up until about December, the confidential secretary for William J. Burns and is now an operative in the Department of Justice?

Mr. CARAWAY. I hope the Senator from Montana is not trying to sweep me into hysteria. [Laughter.] Mr. Rochester is the private secretary and publicity agent for the Attorney General, is he not?

Mr. WHEELER. I think so.

Mr. CARAWAY. And he sends messages. Of course, that is entirely proper; we have never heard the Senator from Ohio object to that at all. There is no hysteria in the department protecting crooks. It is only hysteria when the people try to regain their property and to punish criminals. That is hysteria.

Mr. NEELY. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Arkansas yield to the Senator from West Virginia?

Mr. CARAWAY. I yield.

Mr. NEELY. Does the Senator from Arkansas in saying that "that is proper" mean that it is proper to "play ducks and drakes" with the Department of Justice?

Mr. CARAWAY. The Senator knows it is worse than that, but that meets the approval of the Senator from Ohio [Mr. Fess], I am sure, because the Senator from West Virginia can not be unmindful that the Senate, including the Senator from West Virginia, has been lectured by the Senator from Ohio as being irresponsible and hysterical and a disgrace and a shame and infamous, and in the same breath, almost, he smiles and said, "I have known the Attorney General and he is a man of upright character and unimpeachable integrity."

Mr. WHEELER. And "as clean as a hound's tooth."

Mr. CARAWAY. It was the senior Senator from Ohio [Mr. Willis] who characterized the Attorney General as being "as clean as a hound's tooth." The two Senators from Ohio are not hysterical. Oh, no; they are not subject to hysteria; but they certainly are agitated when there is any effort made to find out what is Mr. Daugherty's connection with this matter. I defy either one of them to point out a single act of his, or to call attention to a single word that he ever uttered that helped in any way to uncover the sale of public property or to forward in any manner the investigation to ascertain, first, to what extent the corruption extends, and, secondly, to punish the people who are guilty of the offense.

It is not hysteria when one takes that side of it; when one stands with Fall and McLean and the Attorney General and helps them, as the Senator from West Virginia [Mr. NEELY] says, to "play ducks and drakes" with the people's rights. That is manifesting statesmanship; that is standing by the Constitution, the Senator from Tennessee [Mr. McKellar] suggests, having in mind, probably, the touching lecture which the Senator from Ohio gave us a moment ago about the Bill of Rights. If it were not for probably being suspected of being hysterical, I should like to move some time that the Senate have night schools and get the junior Senator from Ohio to read us a lecture on the Bill of Rights and the protection which ought to be thrown around crooked officials when they are found betraying their country. He would be a very apt teacher, I am sure.

Mr. STANLEY. The fourth amendment to the Constitution is a part of the Bill of Rights.

Mr. CARAWAY. Yes; but the Senator from Kentucky must not talk about the Constitution; he has not been constituted the guardian of the Constitution; he has not the proper viewpoint; he believes that crime is crime and that people who betray their country are guilty of wrongdoing; he is subject to hysteria; he must sit at the feet of the Senator from Ohio and learn to look with dispassion upon traitors and with approval upon the betrayal of public trust and spread the mantle of charity over every criminal, provided the criminal is from Ohio—and there will be a pretty large mantle needed. [Laughter.]

REPLYING TO SENATOR FESS OF OHIO.

Mr. HEFLIN. Mr. President, the people of the country who are really interested in what some Senators are trying to do here to prevent corruption in Federal office in the future and to punish those now in office who are guilty of corrupt conduct will read with interest and approval the able and timely speech of the Senator from Arkansas [Mr. CARAWAY]. The Senator from Ohio [Mr. Fess] scolds the Senate and lectures the Senate, as the Senator from Arkansas has said, and severely criticizes the Senate for what has been transpiring here for the last two or three months, as he puts it. I believe the Senator from Ohio referred to the proceedings as being disgraceful.

Mr. President, it is unpleasant to us to have to go into the very disgraceful conditions that have been uncovered among Republican officials high in authority. But somebody has got to do it. A grave responsibility rests upon every Senator in this body. The Department of Justice, the President admits, would not function properly, and so he employed two attorneys to represent the Government in the oil-scandal cases. The Senate of the United States, the Senator from Ohio included, authorized the selection of two attorneys outside of the De-

partment of Justice to represent the Government. That act was a reflection upon Mr. Daugherty; that was a confession on the part of the Senate and the President that he was not the proper man to represent the Government in these cases. If the Department of Justice will not function and if the President feels that it is necessary to employ counsel outside to represent the Government and the Senate feels that way about it, the country is justified in asking, Why does the President continue to keep Mr. Daugherty at the head of the Department of Justice? What are we to do when officials accept bribes? What are we to do when they betray their trusts? Are we to sit here under such shameful conditions with folded hands and sealed lips and do nothing? Mr. President, if we did that the country would have good reason for saying the Senate itself is corrupt; but, thank God, there are Senators here who are foot-loose and free to fight to a finish the big, crooked interests and those that they corrupt in high office.

I know that it is disagreeable to the intensely partisan spirit of the Senator from Ohio to hear coming out day by day these astounding facts that involve the Republican administration. It is unpleasant and disagreeable to the Senator from Ohio to hear here day after day startling and astounding facts brought out that disclose scandal and corruption in the very citadel of the Republican Party. But ill does it become him in the face of the mighty facts already disclosed to undertake to lecture Senators who have the decency and the courage to fight crookedness and corruption wherever found.

The Senator from Ohio says that it is bad for the children of the country to read about the terrible things that are being discussed here. I confess that it is bad for them. Yes, indeed, unfortunate for them and all the people of the United States that conditions are so rotten as to make it necessary to discuss them. They are reading about it not because of any wrongdoing on the part of the Senators whose duty it is to discuss it but because of the crooked and corrupt conduct of unfit and unfaithful Republican officials. But for the disgraceful conduct of Denby and Fall, two members of the Republican Cabinet, and others connected with this national scandal, there would be no occasion for worry about what the youth of the country may read or not read concerning the debates that take place in this body. The Senator from Ohio need not think that the Senate will permit Republican officials to prove unfaithful and be corrupt in office and get away with it because, forsooth, the children of the country might read about the discovery and punishment of crooks in office. The way to keep wholesome newspaper articles before the eyes of the children of the country is to place men in office so clean and honest that they would not stoop to do an unclean and dishonest thing.

That is what we are striving for. That is why we are storming the ramparts of this administration. That is why we are pulling the curtains aside day by day and showing the awful, rotten condition that has been kept hid right in the strongholds of the Republican Party.

The Senator from Ohio speaks of certain Senators here who are being disgusted by the discussions that take place in this Chamber. Well, if there are those who are disgusted, I suggest that they resign. I think the country would be helped if some that I know should resign. I really do not think it would injuriously affect the country. The Senator who is disgusted because we are going into these unpleasant things and are trying to get at the truth for the good of the country, for the preservation of our free institutions, is not the right kind of Senator; I will say that to the Senator from Ohio. It might be well to spend a little time lecturing on that line—on respect for our oath of office and our duty to our country.

Why, of course, these discussions are not pleasant to the junior Senator from Ohio. The Senator is a very intense Republican partisan, and I know it must annoy and irritate him to see the Republican Party expiring in a lagoon of oil—to see these awful disclosures that permeate nearly every branch of the Government under Republican control. I know that it must pain him deeply, but he owes it to his country to help us to run down and punish every official crook in the country. I would not try to give Mr. Daugherty a clean bill of health before the committee is even selected to investigate him. I would let it be selected, and then let Mr. Daugherty go before it, and I want him to have a fair trial. The Senator objects to the proposed personnel of the committee. He would not have the junior Senator from Montana [Mr. Wheeler] on it and he would not have the junior Senator from Iowa [Mr. Brookhart] on it.

I suppose he would like to have a little pink-tea performance staged or a little sewing circle arranged. We want to go after the facts in this thing. We want the truth brought out. We

want somebody to make this investigation who has the courage and moral stamina to get at the truth and the whole truth. We want somebody to do it who has the ability and disposition to do it. We want somebody to do it whose hands can not in any way be tied by sinister influences from any source and who can not be made to tread softly when approaching facts that ought to come out but that will involve somebody else, either on the inside or outside, high in the councils of the Republican Party.

Why, certainly the Senator from Ohio is disgusted. He says we have become not a deliberative body but an inquisition. What are you going to do when your Department of Justice, established for the purpose of looking after the enforcement of law, looking after the apprehending and punishing of criminals, falls down; when the head of it himself is arraigned and charged with reprehensible conduct? What are you to do—wait for the department itself to function against itself?

If a policeman should hold you up and rob you and you should report him, and those in authority should refer you to the policeman and tell you to take it up with him, would you feel that you were going to have a fair deal? When the Department of Justice is charged with doing things that we are going to try to stop, if you write to the President and he refers the matter to the Department of Justice, you have to deal then with the very people you are charging with having done things that were wrong. In a situation like that, whose business is it to investigate? It is the business of this branch of the lawmaking body or the other branch, the people's House of Representatives.

Of course these discussions are unpleasant to the Senator from Ohio. They no doubt cause him to have bad dreams and also some other Republicans.

I criticized the Senator from Wisconsin [Mr. LENROOT] yesterday for visiting Mr. Fall in his apartment with the Senator from Utah [Mr. SMOOR] without telling the other members of the committee, and the effort was made here yesterday to show that the Senator from Wisconsin [Mr. LENROOT] had done everything he could to help bring out the facts, to go to the bottom of things in question, when the Senator from Wisconsin himself voted against permitting Senator WALSH to ask Sinclair certain questions in the development of the case. Here it is, right in the record before me.

The Senator from Montana [Mr. WALSH] demanded that Sinclair answer these questions. The Senator from Wisconsin [Mr. LENROOT], the chairman of the committee, opposed making him answer the questions. The roll was called. The Senator from Montana voted to make him answer. The Senator from Colorado [Mr. ADAMS], another member of the committee, and the Senator from North Dakota [Mr. LADD], and one other, four against three, I believe, and he was compelled to answer. The Senator from Utah [Mr. SMOOR] voted against making Sinclair answer.

I suppose the Senator from Ohio is disgusted when the chairman of the committee that is itself investigating this thing has these things brought out in debate in the Senate. It is very unpleasant, no doubt. As I said yesterday, we are having to do a lot of things that are unpleasant. Well, we have a duty to perform here, a duty to the country. Ought we to leave these things covered up? Ought we to let them stay in the committee room, as the Senator from Ohio suggests, and never bring them out until at some distant day a final report may be made?

No; that is not my idea as to the way it should be done, Mr. President. Let public opinion—enlightened public opinion—begin to get in its work, because, God knows, a house cleaning is needed in Washington. Crooks must be driven out; criminals must be apprehended and punished; the Government must be cleansed and preserved. It makes no difference what individual suffers for his crooked conduct, if each one of us when he goes from here can look back and say, with his hand on his heart and his eyes lifted toward the sky and the stars, "I have been faithful; I have discharged my duty to my country."

Mr. President, that is the thing that a public man ought to strive to be able to say; but some people seem to think that if they can serve some big interest and by being their agents accumulate some of this world's goods and be accounted rich, that that is the goal to be sought. It is not mine. It is not that of many that I know in this body, I am glad to say.

That is not all, Mr. President. The Senator from Wisconsin [Mr. LENROOT] on September 3, 1919, in a speech here said:

I am very frank to say that I do not believe it is possible for the Government, irrespective of any questions which are pending here, ever to maintain naval reserve No. 2 as a naval reserve. If we get these claims, the only way to save the oil for the Government is to take it out of the ground from the wells that are now existing there.

That is entirely pleasing to Doheny. That is the position that he takes; and as far back as 1919 the Senator from Wisconsin held this view, and he is now the chairman of this investigating committee.

Mr. LENROOT. Mr. President, will the Senator yield?

Mr. HEFLIN. Certainly.

Mr. LENROOT. That is reserve No. 2. Does the Senator know that every officer of the Navy agrees with that statement, and everybody else, so far as I know?

Mr. HEFLIN. I do not know that. I know that all the officers of the Navy except Robison were opposed to transferring the naval reserves and that Robison was the man picked out to pass on it—the very man who was friendly to what Denby wanted to do and what Fall wanted to do and what Doheny and Sinclair wanted to do. He, of all men, was picked out to do this thing. The whole Navy rose up in arms against the transfer of these oil reserves, but this man Robison was picked out, and they got his opinion, and his opinion was expressed after Doheny had called on him on his ship and had spent some time with him very pleasantly.

I do not know. The Senator says that the naval officers agree with this. I am reminding the Senate of his position on this oil proposition as far back as 1919.

I want to bring another thing to the attention of the Senate. It will probably be disgusting to the Senator from Ohio.

On another occasion the question was up whether Mr. McLean should come and testify. By the way, the Senator from Wisconsin on yesterday claimed that he had done everything he could to get him there; that he was under subpoena now, and all that. If my recollection serves me right, when the matter came up as to whether they would have him come or accept merely a written statement that he might write out and send in to the committee, the Senator from Wisconsin voted to let him write out and send in the statement.

Mr. LENROOT. Mr. President, will the Senator yield?

The PRESIDENT pro tempore. Does the Senator from Alabama yield to the Senator from Wisconsin?

Mr. HEFLIN. I do.

Mr. LENROOT. Will not the Senator read the record upon that point? Will he not be accurate enough to say to the Senate that the question was whether Mr. McLean should be excused from coming for a period of at least two weeks, and then the committee would determine the question? If the Senator will read the record, he will see that the Senator from Wisconsin voted to take the sworn statement with the statement that when the committee received that statement it would then determine whether it would proceed further in requiring his personal presence.

Mr. HEFLIN. I will look up that statement to get it absolutely accurate, Mr. President. I remember the incident, and I was correct in the view that the Senator from Wisconsin favored taking the written statement at that time. He states that he coupled with it the statement that Mr. McLean was to appear later; but he has not appeared yet, and I am very anxious for him to appear.

Now, I want to bring another thing to the attention of the Senate. It may also be disgusting to the Senator from Ohio. That is that the Senator from Wisconsin [Mr. LENROOT] made the statement to the committee over which he presides that he saw no necessity for Secretary Fall coming before the committee. Here was the man of all men who ought to have been interrogated. This is the man that the Senator from Wisconsin called on in his apartment with the Senator from Utah [Mr. SMOOR]; and this is what occurred, the Senator from Wisconsin speaking:

With reference to Secretary Fall, I want to make this statement: When this testimony came in about the purchase of the ranch I then indicated to Senator SMOOR, who was then chairman of the committee, that Mr. Fall should appear before the committee. My only point was that there should be a disclosure of the method by which the purchase was made. That disclosure having been made, I do not think of any reason why he should appear before the committee.

Mr. LENROOT. Mr. President, will not the Senator read the rest of it?

Mr. HEFLIN. That is all of it I have here in the Record.

Mr. LENROOT. No; there is more there.

Mr. HEFLIN. I am reading from the speech of the Senator from Colorado [Mr. ADAMS].

Mr. LENROOT. If the Senator will read the record he will find that the Senator from Montana [Mr. WALSH], immediately preceding that statement, made the statement that he did not desire to press it himself; and he will find that I, in the statement the Senator is now reading, stated that if the Senator

from Montana did not care to press it, Mr. Fall having made the disclosure, I saw no reason for his appearing.

Mr. HEFLIN. Mr. President, I differ with the Senator about that. Why should he not be summoned? He is charged with having transferred this property, worth billions of dollars, to Doheny and Sinclair. Of all men, it seems to me he ought to have been called and interrogated, and here was a move made to let him off and not call him in at all. I do not know whether this was before or after the visit to Fall's apartment.

I merely call these things to the attention of the Senate because of the statement of the Senator yesterday that he was doing everything he could to get at all the facts. I recall another statement, though I can not put my finger on it just now, where the junior Senator from Wisconsin stated that up to that time he had not suggested a single witness. I will get that statement, so that it will be absolutely accurate.

Mr. LENROOT. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Alabama yield to the Senator from Wisconsin?

Mr. HEFLIN. I do.

Mr. LENROOT. I call the Senator's attention to the remarks of the Senator from Montana made yesterday. He said:

Mr. Fall went to El Paso. He was there when the witnesses from New Mexico told their story about the sudden rise in affluence of Mr. Fall and his expenditure of approximately \$200,000, as it was traced to him, when he had not had money enough to pay his taxes for 10 years. Of course, that testimony was startling in its character, and the Senator from Wisconsin rightly recites that forthwith, in what seemed to me something like consternation, because both he and the Senator from Utah had up to that time exhibited the most implicit confidence in Mr. Fall, he said that this information should be given to Senator Fall at once, and he should be invited to come before the committee. I said in that connection that in my judgment he should be apprised at once of the information, but that he should be left to judge for himself whether he should come or not.

Mr. HEFLIN. Whose statement was that?

Mr. LENROOT. The statement of the Senator from Montana [Mr. WALSH].

Mr. HEFLIN. Then, Mr. President, I disagree with the Senator from Montana on that. I would have summoned him. Of all men, Fall himself should have been called then and questioned by this committee, and I can not understand how an investigation would be complete without examining the man himself who had accepted money, who had been paid for the thing he had done, permitted to roam around the country undisturbed, at large, not even calling him before the committee.

I am reminded that at the time the Newberry case was up we criticized some members of the investigating committee then for not even inviting him to appear before the committee. It was shown in the debate that they had not even asked him to come before the committee and make a statement. The protection of party ought never to be indulged in to the hurt and injury of the country. Why should such treatment be accorded these big rich fellows?

We would not do that for the ordinary man. He would be brought in; if necessary, a policeman would bring him in, and he would be seated there, and he would be interrogated, and in right severe fashion in many instances. But Mr. Fall is going away. I think he is now down on his ranch, which he has improved so much with the thousands and thousands of dollars he got out of this corrupt transaction.

One other thing, Mr. President, in reply to the Senator from Ohio. I want this whole thing to be made so odious that no public official in the future will ever dare do such a thing. I want fathers and mothers of the country to be able to say to their children, "Yes; these things have been going on, but it is right and proper to expose them and to tell the truth concerning them. They got some bad men in office. The situation is humiliating and shameful, and it is right to clean it up. The Senators are cleaning it up, and it will have a wholesome and far-reaching effect. It will help to get good men in office in the future and benefit the Government now by letting unfaithful officials know that their days are numbered." Of course, good is going to come from it.

But the Senator from Ohio [Mr. FESS] suggested in his effort at scolding the Senate this morning that it was all disgusting to him. Disgusting to bring out facts? What are we here for—just to sit around and let things go on, and say, "If we bring it to the attention of the public it might disturb some child who will read about it in the newspapers?"

No, Mr. President; let the children be taught from their childhood up that there are two kinds of people—one class honest and upright and fearless; another class crooked, corrupt, and cowardly—and just as sure as there are good and

evil in the world, there are people whose conception of right and justice is one way and people who look and feel the contrary way.

When the latter, the bad ones, get into office you are bound to find out just who and what they are, because the Bible says truly:

By their fruits ye shall know them.

Now we are going after this investigation. We are going to get at the facts, and I want to say that this committee does not have the final say. This committee will bring in its findings. It makes the investigation and it will report to the Senate. There may be a majority report and a minority report, and both reports will be discussed and thrashed out before and by the Senate itself.

The effort to give Mr. Daugherty a clean bill of health before the investigation is had, it seems to me, is a little premature. I think it would have been better for the Senator from Ohio to have made his remarks to the committee or after the committee reports its findings.

I want to submit this statement in that connection: Why is it that the President permits Mr. Daugherty to remain in office? Why does Mr. Daugherty want to remain in office? Are these his reasons? Does he want to stay in possession of all the correspondence until the hearing is finished? Does he want to remain Attorney General so that all the officers and agents under him would not want to testify against their chief? Oh, Mr. President, I suggest to the Senator from Ohio that those are the disgusting things.

Why does he not go to the White House and say to the President, "Mr. President, I want to relieve you and I want to be relieved. I want an investigation and I want to resign, with the understanding that if I am found innocent you will immediately reappoint me Attorney General. Why does he not do that? Why does he stay where he can keep his hand on all the correspondence? Why does he remain where the officers under him are intimidated and feel embarrassed to testify against their chief?"

If he will not do that, why will not the President ask for his resignation, so that these various agents of the department may be free, and can stand up and testify as they would like to testify, and as I believe many of them will testify if they have the opportunity, free and unfettered.

This is the Government's business. It is not a political party matter. It should not be. This investigation ought to be made in the interest of right and justice and truth, and we ought to have in mind always in all of these things the good of the country. That is my position in it, Mr. President, and however unpleasant it may be to the Senator from Ohio, however disgusted he may become day by day and week by week, these facts are going to be given to the people. They are entitled to know the facts, for this is their Government; we are their servants, and when we, speaking for them, find a crooked and corrupt condition in the Government, it is our duty to discuss it here in the open Senate and let the country know just what is going on in their Government at Washington.

Why are you after this man Fall? He has betrayed his trust. Why are you talking thus about him? He has accepted a bribe. Why are you saying these things in the Senate? He has bartered the oil domain of the Nation, he has deprived the country of its naval oil reserves, he has squandered billions of dollars worth of property, and we are after him to expose him and to punish him if we can; to get back this property, and to let those who are tempted in the future to do wrong know the fate of Denby and Fall and Daugherty, if he be convicted. Men who forget their oath of office and turn their backs upon the principles of right and justice and become the subservient tools of crooked and corrupt interests ought to be exposed and exonerated, it makes no difference how shocking and how disgusting the disclosures may be to the Senator from Ohio [Mr. FESS].

Mr. President, the truth should be known. The country knows what is going on here. The country knows under what difficulty some of us are laboring day by day to get the truth to the country. The country knows, from what has transpired, how the effort has been made to cover up and hide important facts. The country is entitled to know, and unless we stand up and fight, and expose evil doing that hurts the country, we ourselves are guilty of unfaithfulness to the American people.

Let it not be said of us that because of fear of somebody trying to connect us up with the Teapot Dome or with the Doheny oil interests we did not act. The fellow who is unable to talk on this subject and unable to condemn this thing may be suffering from color blindness caused by oil colors and oil paintings. If Mr. Daugherty is innocent, he ought to be ac-

quitted. If he is guilty, he ought to be exposed and convicted and removed from office. We are told that two Republicans, Senator LODGE and Senator PEPPE, requested Mr. Daugherty to resign. If the President is convinced by what he knows and by what the Senator from Idaho [Mr. BORAH] told him regarding Mr. Daugherty that something is radically wrong, why does he not ask Mr. Daugherty to get out and let a real and a very thorough investigation be had? Let him say to him if he chooses, "If you are found free of guilt and with clean hands, I will reappoint you as soon as the investigation is over." That is the way to get at the truth, if they really want to fight this thing to a finish in the interest of the people and the Government of the United States.

Mr. GEORGE. Mr. President, I would like to say that there may be a very wide difference of opinion concerning the last proposition laid down by the junior Senator from Ohio [Mr. FESS] in his speech. If I correctly understood him, he said that on this side of the Chamber, and very generally in the Chamber on this side, there had been a disposition to play politics, and if I correctly analyzed his statement the Senate was brought rather severely to task for engaging, as he classed it, in extraconstitutional activities, and particularly this side of the Chamber was so arraigned.

Mr. President, I do not believe it can be very justly said that Senators who have asserted themselves upon this side of the Chamber have done so from political motives only, or even chiefly. If there had been a disposition to play politics concerning the important revelations which have been made in the Senate for the two months past, the party on this side of the Chamber could have rested its case upon the able and searching and thorough presentation made by the senior Senator from Montana [Mr. WALSH], and could have left upon the present administration full responsibility for action upon the strength of that statement made by him.

But the Senate did not play politics. Rather than leave upon the administration the full and unassisted responsibility there was introduced and passed a resolution to which the junior Senator from Ohio takes exception, particularly to the preamble of the resolution, calling upon the President of the United States and authorizing the President of the United States to employ counsel for the cancellation of the naval oil reserve leases and for the prosecution of offenders, if offenders should be indicated to the satisfaction of those counsel. I had occasion to say, and I say again, that every legislative body on the face of the earth in taking action upon any question has a perfect right to express the reason for its action. It is not binding nor is it intended to be binding upon any other department of government, but it is only a question of whether the legislative body has the information and has the will to make the declaration. If it sees fit to make the declaration it can not be classed as an extraconstitutional exercise of authority by anybody.

Not only did the Senator from Ohio inveigh against the preamble to that resolution but the Senate was taken rather severely to task for the Denby resolution. The Denby resolution may have brought before the Senate a debatable question. The distinguished Senator from Idaho [Mr. BORAH] expressed himself upon that question, and in very clear and very forceful language. But I do not think that after the Senate has acted, the Senate is to be severely arraigned and criticized. I do not, and I am not willing to, admit that men of this side of the Chamber, at least, did not have some reason that seemed satisfactory to them even in the consideration of the Denby resolution. I know that I had, whether erroneously or not. Whether my reason was well founded or ill founded there appeared a reason upon which I was willing to vote.

I do not discuss the question of fact. It was too clear and palpable to all the world that Mr. Denby was a necessary party, at least a proper party, to the very suit that had been authorized by the Senate for the cancellation of the leases. As point of fact, he could not have remained in the Cabinet. In point of good conscience, he could not have remained in the Cabinet when his own acts were being solemnly challenged in the courts, and I do not refer to the facts upon which I acted and other Senators may have acted. I refer to the reason that seemed to me to justify the action, and seemed to me to remove it from the criticism directed against it by the junior Senator from Ohio.

I have never said and do not now say that the right of petition preserved in the first amendment to the Constitution was the authority upon which I acted. The right of petition was adverted to here, and by very able Senators. I recognize that the right of petition is the right of a citizen to petition his Government, and has absolutely no technical application to the

right of one department of government to petition another department of government. But if those who framed the Constitution were careful to say that even the Congress should not take away from the people the right to peaceably assemble and to petition the Government for redress of grievance, it can hardly be imagined that they supposed that a coordinate department of government did not have the right of petition. Historically, the allusion may have some benefit, but technically it furnished no justification, in my judgment, for the vote that I cast on the Denby resolution.

Nor do I lay great store, Mr. President, by the assertion that the power to advise and consent to the appointment of Mr. Denby still continued or at least was not exhausted in the initial exercise thereof. Other Senators may have found justification for their vote in that, but in the Constitution I find an express grant of power to the Congress to preserve the national domain, a power expressly granted to the two Houses of Congress to protect the public property, including the naval oil reserves. When, in the exercise of an express grant of power, the legislative branch of the Government comes to the point where the subject committed to the Congress can not be adequately protected save by Executive action, I, so far as I am concerned, am willing to rest my vote requesting the executive department to act upon that express grant of power. Had the Congress gone over into the domain of the Executive power and had the Congress sought to exercise that power quite a different question would arise.

But since when has it become the doctrine in America that one coordinate department of Government under our Constitution, to which the Senator from Ohio adverts, shall not be on speaking terms with another coordinate department of that Government? Since when has the doctrine come into existence that the Congress, charged with the express power of protecting the public property of the Union, can not ask the Executive to exercise a power referred to and vested in him exclusively, if in the opinion of the Congress action by the executive department is necessary and is imperative?

So I say, Mr. President, that it seems to me the Senator from Ohio should not have subjected to criticism the Senate and those Senators present who voted not only for the Walsh substitute resolution with its preamble, who voted not only for the Denby resolution but who had what they believed to be a reasonable justification for that vote, and that the Senators who did so vote were not, as he said and very clearly indicated, exercising extraconstitutional powers and converting themselves into a court of inquisition, trespassing where they were not entitled to go.

It has occurred to me that many of us have confused the issues that have arisen in the last 60 days with the issues that ordinarily arise in public trials. A legislative body is not a court, but—and this seems to me to be the point that we have overlooked—the legislative body is to act and is to proceed on principle, and when a man's public reputation or public character is to suffer because of proper legislative action, it is but an incident, and it can not stay the legislative action.

It is not a trial now that is proposed, and there has been no trial proposed save the civil and criminal actions to be instituted and prosecuted by counsel employed under the resolution giving to the President the power to employ counsel. We are not to try the Attorney General. He is not to go upon trial. Shall we say the legislative branch of the Government shall stickle and halt and hesitate to act because a man's public reputation, his public character, may suffer because of that legislative action? Has not the Senate power to appoint a committee to investigate any department of the Government, any department supported by the Senate in part by appropriations made by the Congress? If the Senate has the right to investigate the department, is the Senate to hesitate, is the Senate to refuse to do its duty merely because the public character or the public reputation of some one who is investigated may be thereby smirched, to use the term that has been used so often in the debate?

To assert that we are to so hesitate is to lay it down as basic that we are to legislate not upon principle, that we are to act not upon principle, but that we are to proceed with a due regard for our personal feelings for men who occupy high and responsible official positions. The very suggestion is at bottom an insult to a man who thoroughly and fully appreciates his responsibility as a member of a legislative body.

Now, Mr. President, it has been asserted here by the junior Senator from Ohio that 60 days have been wasted, have been spent purely in an effort to play politics, to assassinate the character of men, purely in an effort unworthy of the Senate; and if he is to be allowed to define that effort, if he is to be permitted to define the reason and motive and purpose of the

Senate, and of individual Senators, then, of course, it is an exhibition wholly unworthy of the Senate. But I desire to say for myself that I have felt justified in supporting the Walsh substitute with its preamble; I have felt justified in supporting the Denby resolution; and I do not discuss the question of fact involved. I have felt justified and feel justified in supporting the resolution now before the Senate for the Senate to elect a committee to investigate the Attorney General.

I feel justified in doing so, Mr. President, upon the ground which I have tried to make plain; that is, that the investigation shall proceed, not as a criminal hearing or trial but as a proper legislative act, and shall proceed strictly and solely upon principle and without regard to and with no purpose to inflict any unauthorized or any unjustifiable injury upon the public reputation of the man who happens to hold the high office of Attorney General. Concerning that man, I shall say nothing; concerning any of his acts or official failures to act, I shall say nothing; concerning anything that may have been done or omitted to be done by the Department of Justice, I shall say nothing. It is sufficient for me to know that there are grounds upon which I may justly base my vote for the resolution; and I am willing to leave it to the agent created by the Senate to proceed with the investigation fearlessly upon principle, not for the purpose of trying but for the purpose of ascertaining facts which the Senate is entitled to have within its possession in order that it may properly function as a legislative body.

Mr. ROBINSON obtained the floor.

Mr. CURTIS. Mr. President, will the Senator from Arkansas yield to me?

Mr. ROBINSON. I yield to the Senator from Kansas.

Mr. CURTIS. I was wondering if we could not agree upon an hour to vote upon the pending resolution this afternoon. A number of Senators on this side of the Chamber—and I think on the other side—have engagements this afternoon which they would like to meet. So, if we could get an agreement to vote I wish we might do so. I suggest that we vote at half past 3 o'clock.

Mr. ROBINSON. Mr. President, I am very much in sympathy with the suggestion just made by the Senator from Kansas. The debate has had a very wide range during the last two days, and we should dispose of the resolution this afternoon if it be possible to do so. There are, however, one or two Senators who have stated that if a proposal to fix a time to vote upon the resolution were made they desired that the absence of a quorum be suggested in order that they might be present while the arrangement is under consideration.

Mr. BORAH. Mr. President, before any agreement shall be made I should like to ask if the form of the resolution as it now obtains is to be the form upon which we are going to vote? The preamble will require some attention if we are going to vote upon it.

Mr. ROBINSON. Mr. President, in reply to the question of the Senator from Idaho I desire to say that I myself see no objection to striking out the preamble. It raises issues of fact that are not necessarily pertinent to the provisions of the resolution, and, so far as I am concerned, I shall make no objection if the author of the resolution consents to such an arrangement, to striking out the preamble.

Mr. WHEELER rose.

Mr. BORAH. Let me say to the Senator from Montana, who has risen, that the objection I have to the preamble is that it states facts, and I am not sufficiently informed to know whether they are facts or not to enable me to vote upon them.

Mr. WHEELER. To which clause of the preamble does the Senator from Idaho refer?

Mr. BORAH. There are several of them. In the first place the preamble refers to reports of the Federal Trade Commission and the failure of the Attorney General to act upon them. It states as a fact that such reports were made; that so many cases were reported to him, and he did not proceed. I do not know about that. I do not see that it will help the committee which shall investigate the matter to retain any of the preambles in the resolution. The second preamble is similar, and the last preamble reads:

Whereas no action has been taken by the Department of Justice in prosecuting to a conclusion the so-called war fraud cases.

I am informed that some of those cases have been adjusted and settled, but I do not know what the facts are. However, as I see the matter, it will not help us to retain the preamble in the resolution. If the preamble strengthened the Senator's resolution, I should feel differently about it, but I do not perceive that it does so.

Mr. WHEELER. Mr. President, I will say to the Senator from Idaho that after conferring with the senior Senator from Ohio [Mr. WILLIS], who, I assumed, was looking after the interests of the Attorney General, I agreed to strike out two clauses of the preamble, and the Senator from Ohio stated that the remainder of the preamble was satisfactory to him. Consequently I have not any particular objection to the preamble being stricken out, except that I will say to the Senator from Idaho that two reports have been sent in by the Department of Justice since the resolution was offered; and yet I have the positive evidence in my pocket, furnished to me by attorneys who work in the Department of Justice, that there are numerous cases which have not been prosecuted by the Attorney General and numerous other cases which have been dismissed after they were started.

Mr. BORAH. Mr. President, it is altogether probable that the Senator from Montana when he drew the resolution was in possession of facts which warranted him in drawing it as he has drawn it, but I am not sufficiently familiar with the facts to vote them as facts. The Senator will be able, if he is on the committee, or any other Senator who is interested in the matter or who is on the committee will be able to present such matters without the preamble quite as efficiently and effectively as if the preamble were retained in the resolution. I do not care to debate the matter at length, although I do want to be placed in a position where it is understood that I am not passing upon a question of fact. I am willing to vote, and am rather anxious to vote, for the investigation, but I myself do not want to pass upon a question of fact.

Mr. MOSES. In the whereas, at the top of page 2 of the resolution, there is found a reference to disclosures in the investigation of the Veterans' Bureau, which apparently has no place in the resolution, for it appears from the press reports this morning that indictments were found on yesterday.

Mr. BORAH. There may be others that ought to be found. However, it is not that proposition that I have especially in mind, but that I am called upon as a Senator to vote on something which is set forth as a fact which I do not know to be a fact, although I presume the Senator from Montana is himself in possession of the information.

Mr. ROBINSON. Mr. President, my opinion is that the preamble of the resolution has no controlling force; that it will not in anywise help to uncover the facts to which the investigation will be directed, and, frankly, I think if a preamble of the character of that contained in the resolution is to be adopted it should be revised very materially. There are other circumstances and transactions and failures to act upon the part of the Department of Justice and its head not referred to in the preamble of the resolution which, according to evidence brought to my attention in a form which I believe to be authentic, could certainly, with as much propriety, constitute a part of the preamble. The point I am making is that the preamble is no part of the resolution; that it is weaker than the resolution; and that nothing detrimental to any interest involved in the investigation could result if the preamble was stricken out entirely. Of course, in the first instance, that is the question to be determined by the author of the resolution. I should like now to proceed.

Mr. BORAH. Mr. President, I call the attention of the Senator from Arkansas, and also the attention of the Senator from Montana, to the language of the resolution proper on page 3, from line 7 to 13:

And said committee is further directed to inquire into, investigate, and report to the Senate the activities of the said Harry M. Daugherty, Attorney General, and any of his assistants in the Department of Justice, which would in any manner tend to impair their efficiency or influence as representatives of the Government of the United States.

Under that provision all the various subjects matter could be inquired into.

Mr. ROBINSON. Certainly; and that is the reason I say that the preamble is narrower and weaker than the resolution itself. The resolution is all-comprehensive, and very properly so.

Mr. WHEELER. I have no objection, so far as I am concerned, to the preamble being stricken out.

Mr. ROBINSON. Very well, then; we will assume that the preamble will be stricken out.

Before the agreement is entered into—

Mr. CURTIS. Mr. President, will the Senator yield for the purpose of suggesting the absence of a quorum?

Mr. ROBINSON. I yield for that purpose, but I should like to resume the floor afterwards.

Mr. CURTIS. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The absence of a quorum being suggested, the Secretary will call the roll.

The principal legislative clerk called the roll, and the following Senators answered to their names:

Adams	Ernst	King	Robinson
Ashurst	Ferris	Ladd	Sheppard
Ball	Fess	La Follette	Shortridge
Bayard	Fletcher	Lenroot	Simmons
Borah	Frazier	Lodge	Smith
Brandegee	Gerry	McKellar	Smoot
Brookhart	Gooding	McKinley	Stanfield
Broussard	Hale	McLean	Stanley
Bursum	Harris	McNary	Stephens
Cameron	Harrison	Mayfield	Swanson
Caraway	Heflin	Moses	Trammell
Couzens	Howell	Neely	Walsh, Mass.
Cummins	Johnson, Calif.	Norbeck	Walsh, Mont.
Curtis	Johnson, Minn.	Norris	Warren
Dale	Jones, N. Mex.	Oddie	Watson
Dial	Jones, Wash.	Owen	Weller
Dill	Kendrick	Ralston	Wheeler
Edge	Keyes	Ransdell	Willis

Mr. CURTIS. I wish to announce that my colleague [Mr. CAPPER] is unavoidably absent. I ask that this announcement may stand for the day.

Mr. GERRY. I desire to announce that the junior Senator from Maryland [Mr. BRUCE] is necessarily absent for the day. The Senator from Nevada [Mr. PITTMAN] also is necessarily detained from the Chamber. The Senator from Alabama [Mr. UNDERWOOD] is absent because of illness.

The PRESIDING OFFICER (Mr. ODDIE in the chair). Seventy-two Senators having answered to their names, there is a quorum present.

Mr. ROBINSON obtained the floor.

Mr. CURTIS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Arkansas yield to the Senator from Kansas?

Mr. ROBINSON. I yield to the Senator from Kansas.

Mr. CURTIS. I ask unanimous consent that all debate close, and that we vote on the resolution and all pending amendments and amendments to be offered at 3.30 o'clock this afternoon.

Mr. DILL. Mr. President, reserving the right to object, may amendments still be offered?

Mr. CURTIS. I said that—amendments to be offered.

Mr. DILL. And what about the limitation on speaking on those amendments?

Mr. CURTIS. I think we ought to close all debate. I do not think any material amendments will be offered. I will state to the Senator that I had intended to offer three or four amendments myself; but I have talked with the Senator who has charge of the resolution, and I think we will agree upon those amendments, and he will amend his resolution.

Mr. DILL. I will say to the Senator that I want to offer an amendment, and I want at least five minutes to talk on it.

Mr. CURTIS. I am perfectly willing.

Mr. ROBINSON. The Senator can offer that amendment now, if he will, and take the floor. If he has the amendment ready, he may present it now.

Mr. DILL. I can present it later, when I can talk on it. I would rather do it at that time, but I do not want to be shut out of an opportunity to offer the amendment and speak five minutes on it.

Mr. BORAH. Mr. President, after the resolution is adopted will we proceed immediately to the election of the committee?

Mr. ROBINSON. I suggest that the Senator from Kansas incorporate that in his agreement.

Mr. CURTIS. I will.

Mr. NORBECK. Mr. President, I want to reserve the right to object to that part of it. The unfinished business here is the farm-relief measure. I gave notice in the Senate three days ago that I wanted to speak 20 minutes on Thursday or Friday. I have not yet had an opportunity to speak, and I should like very much to address the Senate for a few minutes.

Mr. ROBINSON. Very well; then we will have to go ahead and take the regular course, if the Senator objects.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

Mr. JONES of Washington. What is that, Mr. President?

The PRESIDING OFFICER. The Secretary will read the unanimous-consent agreement.

Mr. JONES of Washington. There was objection, as I understood.

The PRESIDING OFFICER. There was no objection.

Mr. JONES of Washington. There was objection to the unanimous-consent request.

Mr. CURTIS. There was objection—objection to the last part.

Mr. JONES of Washington. It is objected to entirely, and request has been made that it take the regular course.

Mr. KING. I call for the regular order.

Mr. NORBECK. I do not object to bringing the matter to a vote at 3.30, but I object to proceeding to vote immediately afterwards on the election of the committee.

Mr. ROBINSON. Very well. Nothing is to be accomplished unless we can dispose of the whole matter, by merely passing the resolution. I have the floor.

The PRESIDING OFFICER. The Senator from Arkansas has the floor.

Mr. ROBINSON. Mr. President, during the debate many subjects remotely if at all related to the subject matter of the resolution under consideration have been discussed, and in some instances the discussions have been characterized by intense feeling on the part of those participating.

The Senator from Ohio [Mr. FESS] yesterday and this morning criticized a reference made by the Senator from Nebraska [Mr. NORRIS] to proceedings in another body. It is, of course, desirable that in so far as practicable allusions to debates and actions in the body at the other end of the Capitol be omitted; but, Mr. President, at the time of that proceeding, and for all the period that has elapsed since, there have been many who felt that there was a failure, for one cause or another, fully to develop the facts and circumstances which might justly have been brought out in that proceeding; and my understanding of the reference which the Senator from Nebraska made to it was that he primarily intended to show that unless there is upon the special committee some one who has a knowledge of the circumstances and facts to be developed, and who has a purpose and intention to see that they are presented, there will likely result failure of disclosures that ought to be made.

The Senator from Nebraska contended, and I think fairly, that this is not a trial; that the resolution does not contemplate a trial in any fair test of that term within the meaning of American jurisprudence. This is an investigation; and the whole power, the countless agents of the Department of Justice, are directed against the effective consummation of the purpose of this resolution. Instead of having the assistance and cooperation of the Attorney General and of the agents who are employed under him, the committee will find itself, so long as the Attorney General remains in office, opposed at every turn and in every effort that it may make.

I do not say this in censure of the Attorney General nor in criticism of the skilled investigators who are employed in his department. I say it because it is natural and true. Every Senator knows that the instant it became known that this resolution is to pass, the great investigating organization of the Government of the United States, whose business and duty it is to expose fraud and corruption, has been directed toward the prevention of the disclosures contemplated by the resolution.

The Senator from Ohio [Mr. FESS] may criticize the Senator from Nebraska [Mr. NORRIS] and other Senators when he chooses. That is the privilege of a Member of this body, so long as he does not transcend the rules of the body; and I think the Senator from Ohio did not violate the rules. The Senator from Nebraska, however, has enjoyed a long and honorable service in the Congress of the United States. I knew him when he was a Member of the House of Representatives, and I have known him, as most of you have known him, throughout his career as a United States Senator. I make the declaration that for courage, sincerity of conviction, intellectual honesty, and honesty in every sense in which the term may be applied to individual and to official conduct the Senator from Nebraska stands preeminent among the public men of America.

The Senator from Ohio saw fit to arraign the majority in the Senate. His language was severe to a point approaching bitterness. He declared, on page 61 of the stenographic notes of his remarks, that the Senate is not a deliberative body if judged by its record of the last two months; that it is an inquisition and has become a sluiceway for the transmission of suspicion.

Mr. President, it is doubtful if in the history of this body there has ever before been an occasion and an issue which have aroused such interest among the people generally and such feeling among the Members of the Senate as have been produced by the disclosures made through the activities of the Public Lands Committee in connection with the naval oil-reserve leases. The Senator from Ohio sees in these disclosures nothing to occasion alarm, nothing to arouse excitement, nothing to invite or provoke criticism. From reading and re-

reading the language of his address I reached the conclusion, as I think anyone else who heard it concluded, that there is in his mind a grave doubt as to whether anything has transpired that has been disclosed that justifies resentment in the breasts of honest citizens. He doubts whether the Government is right and will prevail in its suits to recover the properties bartered away through the faithless betrayal of trust by members of the Cabinet of the President of the United States.

He thinks, after reading all the evidence and hearing all the discussions, that the Government probably will lose the suits, and, judging from his remarks, he is not conscious of any act on the part of either the Secretary of the Navy or Secretary Fall or of the Attorney General which justifies the censure which the people of this country have heaped upon those officers and which has been reflected in the debates in the Senate.

I shall not make an effort now to convince the Senator from Ohio that when the Secretary of the Navy signed the leases to the Government oil lands—in violation of law, in disregard of law, and against the public interest and the well-established policy of the Government, as the Senator himself voted the action of the Secretary of the Navy to be—I shall not consume time in trying to convince him that such conduct on the part of Cabinet officers forfeits their right to the confidence of the public, and to remain in the offices whose prerogatives they have so grossly abused.

The Senator from Ohio thinks that the Senate committed an offense against the Constitution of the United States, violated every propriety which should govern, when it adopted the resolution asking the President to call for the resignation of Secretary of the Navy Denby, and he finds great pleasure in that the President declared that he would not act upon the recommendation or request contained in the resolution. Yet Senators, and everyone who reads the press of the country, know that if the Senate had not passed the resolution Secretary Denby would be in office to-day, just as the Attorney General is in office, in spite of the fact that the President has plainly indicated he would like to have that officer resign.

The Senator from Ohio characterizes the passage of the Denby resolution as a political act. He might well remember that, notwithstanding the officer whose cause he has so valiantly and recklessly challenged has not been heard by the Senate or any committee of the Senate. Members on his side of the Chamber who are influential, and not insignificant in their power, have asked the President to dismiss the Attorney General from the high office which he holds.

We read how the Senator from Massachusetts [Mr. LODGE], after having characterized a public resolution of the Senate calling for the resignation of Secretary Denby as "lynch law," went to the White House and attempted privately to accomplish what the resolution sought to do publicly. We read, too, how the Senator from Massachusetts [Mr. LODGE] and the Senator from Pennsylvania [Mr. PEPPER] went to the White House and demanded that the President discharge Mr. Daugherty, notwithstanding the fact that while Secretary Denby had been heard three times Mr. Daugherty had never been called to appear before any committee.

On yesterday that amiable but somewhat dictatorial Senator, the senior Senator from Indiana [Mr. WATSON], issued a pronouncement, in which he explained that before Mr. Daugherty could be gotten out of the Cabinet it would be necessary for Republicans to bring more pressure. I read from a report contained in the New York World:

Senator WATSON called on the President and later expressed the opinion it would take more pressure from the Republicans to force Daugherty out at this time. He said there were three eventualities which would bring a resignation, and those, as recounted to him after the Attorney General had seen the President, were:

1. If President Coolidge requests the resignation.

Everyone knows that the President has the power to choose his own advisers, his own Cabinet members, and that the instant a condition arises that makes a Cabinet member useless to him, or the instant his usefulness has become impaired, the President has the power to put him out of the Cabinet and select some one with whom he can advise.

It is perfectly apparent, then, that the President has not requested the resignation of the Attorney General. Every Senator knows that if he does do so the Attorney General will be compelled to comply with his request.

The second condition, says the Senator from Indiana in his remarkable analysis of this situation, is that—

2. In case the investigation proposed by the Senate might establish something about him of which he himself is not now aware, in such fashion as to besmirch his reputation and force him to resign.

3. In case the investigation should prove him absolutely guiltless of any wrongdoing, so that he could retire honorably and not by the back door.

So that while the Senator from Ohio is arraigning the Senate of the United States for having abandoned or discarded the characteristics that should mark its procedure and for having become a sluiceway for suspicion against innocent men, the leaders of his own party, who manifestly have not found it either necessary or profitable to advise with the junior Senator from Ohio, have been putting on pressure in every possible form to get the Attorney General out of the Cabinet, to "lynch" Attorney General Daugherty. It was "lynch law" for the Senate to ask the President, in a formal resolution, to call for Secretary Denby's resignation, but it is an act of virtue for prominent Republican Senators in order, I take it, to save their party from the effects which inevitably will result if the Attorney General remains in office—it is a virtuous act for them privately to try to induce the President to put him out of office.

The mystery of all this proceeding is disclosed by a statement emanating from the White House and published this morning in the Washington Post. It says:

PRESIDENT TO ORDER INVESTIGATION INTO LEASE GRANTED STANDARD OIL.

While the Senate was debating on the resolution to investigate the Department of Justice, President Coolidge yesterday authorized the announcement that he would name within a few days another special counsel to conduct an investigation into the rights of the Standard Oil Co. to section 36 in naval oil reserve No. 1, in California, concerning which there is great controversy and which has been described as the key to the whole oil leasing scandal.

Listen to this:

Investigation of this phase of the matter is expected to involve Attorney General Daugherty directly with the oil scandal and with the operations of former Secretary of Interior Fall. The Government had instituted a contest against the Standard Oil Co. claims to section 36. They were held by responsible Government officials who had charge of the case to be valueless, but the Standard Oil Co., in a proceeding which has been characterized as "unprecedented," took the case directly before Fall, who dismissed the contest "out of hand" without hearing the Government side of the case. This action was taken despite a recommendation to the Attorney General by his subordinates that the Government press the contest.

In several administration quarters it was stated yesterday that the President by instituting this special inquiry may force the Attorney General into a position where he must resign sooner than he now expects to retire from the Cabinet.

Diabolical beyond the power of language to describe! It is "lynch law" for Senators in open session to say to the President, "A committee of this body has found a state of facts which disclose that the Secretary of the Navy has violated the law, has acted without authority of law, has acted in disregard of the public interest and the well-settled policy of the country, and therefore we respectfully request that you substitute some one for him who will obey the law." It is "lynch law" to make a formal declaration of that character, but it is virtuous conduct to go in the back door of the White House secretly, without giving Mr. Daugherty a chance to defend himself, and urge the President to put him out of the Cabinet.

Mr. McKELLAR. Mr. President—

The PRESIDING OFFICER. Does the Senator from Arkansas yield to the Senator from Tennessee?

Mr. ROBINSON. I yield.

Mr. McKELLAR. That statement from the White House would indicate that the President himself has joined those "hysterical" Senators whom the junior Senator from Ohio inveighed against this morning, would it not?

Mr. ROBINSON. Clearly it is an indication that the President is attempting to force the resignation of the Attorney General without asking him to tender his resignation.

It is incomprehensible to me, in view of those facts, how the Senator from Ohio, in any stretch of the remarkable imagination which must characterize the mentality of any Senator who can make a speech like the one he uttered on this floor this morning, can find that this is a political persecution inaugurated and carried on by Democrats.

The Senator from Ohio has joined with the chairman of the Republican National Committee in an effort to give to the proceedings of the Senate a character which will discredit them. We occasionally say things here in the heat of debate which we do not mean. Sometimes we become perfervid and utter sentiments which afterwards we wish we had not uttered.

While I do not profess skill in prophecy, I think that in the years to come when the junior Senator from Ohio looks back upon the proceedings of the Senate which he has characterized so harshly, which he has criticized and condemned so bitterly, and then reads again, if he is not forever hereafter ashamed to read his own utterances, the strange words, the incomprehensible sentences that composed the greater portion of his speech to-day, he will wish that he had never given vent to utterances which in their legitimate construction stamps approval upon transactions which constitute dishonorable and corrupt conduct upon the part of officers of the United States when they bartered away in secret hundreds of millions of dollars' worth of public property.

Mr. President, the opinion of the junior Senator from Ohio to the contrary notwithstanding, the people of this country do not regard and will not regard the passage of the Denby resolution as an act of usurpation on the part of the Senate of the United States. They will never be able to comprehend how a trained statesman, experienced as is the junior Senator from Ohio, could put his approval upon transactions which everyone else than himself regard as having discredited the administration of which the Senator from Ohio assumes to be a champion.

Mr. McKELLAR. Mr. President—

The PRESIDING OFFICER. Does the Senator from Arkansas yield to the Senator from Tennessee?

Mr. ROBINSON. I yield.

Mr. McKELLAR. Inasmuch as the two Senators from Ohio, as I recall, are the only Senators who have risen in their places on the other side of the Chamber to defend Mr. Daugherty, is it not a matter of not the greatest importance in the world as to their views?

Mr. ROBINSON. O, Mr. President, the resolution will pass unanimously, except possibly for the votes in opposition of the two Senators from Ohio. The Denby resolution passed by an overwhelming vote, and the Wheeler resolution, characterizing the acts of Denby and Fall as violative of law and against the public interest and well-settled policies of the Government, passed unanimously both Houses of Congress. And yet the junior Senator from Ohio characterizes the preamble to that resolution and characterizes the Denby resolution as a demonstration of hysteria.

It is not remarkable that the Senate should have displayed intensity of feeling. The most remarkable thing that has occurred is the performance to-day of the junior Senator from Ohio. I do not blame him for defending Mr. Daugherty. He is his friend; and, God knows, Mr. Daugherty has few friends left. I honor the junior Senator from Ohio if he believes the statements that he makes, and I know that he must believe them or he would not make them. If he believes in the honor and the integrity of the Attorney General, I honor him for standing by the side of his colleague and defending Mr. Daugherty to the last ditch. But when he stands isolated in this body—when he stands alone and takes a position by himself—propriety and sound sense, if he demonstrates either, ought to prompt him not to be unduly censorious against the overwhelming majority that stands in opposition to him.

I sympathize with Mr. Daugherty. He came into the Cabinet as the supreme political boss in the affairs of the Nation. Men who wanted to go upon the bench, men who desired positions in the Government service, not only in the department of which the Attorney General became the head but in the other departments as well, had to procure the O. K. of the great political patronage distributor, the Attorney General of the United States. And now for a year or more his prestige and power have been declining. For more than a year charges have been made which affect the integrity of his administration. Charges have been made which involve questions as to his efficiency. And now, with the Senate passing a resolution to investigate his conduct and his administration, he stands with his back to the wall fighting alone, except that the chairman of the Republican National Committee, Mr. Adams, says that it is all politics, and the Senator from Ohio [Mr. Fess] seems to agree with him.

Mr. President, I want fair treatment for the Attorney General. I want just consideration of his acts. But, sir, the interests of the people of the United States can not be submerged, can not be disregarded, can not be subordinated to considerations of sympathy or politics. While the investigation is on let it be thorough and complete. Let every rogue in office, whether Democrat or Republican, be brought to account. Let the Senate move with majesty and determination, in the face of puny and petulant criticism, to the performance of its duties. Such considerations overshadow, as stated by the Senator from Georgia [Mr. GEORGE], mere considerations of

personal interest and friendship. Deep down beneath the multifarious transactions pertaining to Government procedure in the recent past the committee must delve to find and make known the facts. If the result should prove that the Senator from Massachusetts [Mr. LODGE], the Senator from Pennsylvania [Mr. PEPPER], the Senator from Indiana [Mr. WATSON], and the President have done Mr. Daugherty an injustice by bringing every possible pressure to bear upon him to resign when he does not want to resign, if the facts justify the vindication of the Attorney General, no one will be more highly gratified than I.

AGRICULTURAL DIVERSIFICATION BILL.

Mr. NORBECK. Mr. President, this bill may fairly be considered as two separate measures. When introduced it covered only one feature—relief for the farmers in the wheat area. It provided for a \$50,000,000 fund to be loaned in small amounts to worthy farmers for the purchase of livestock as an important step in the necessary diversification. This is the feature on which the committee held hearings for several weeks.

Just before the bill was reported out of committee an amendment was offered and adopted providing for an additional \$25,000,000 to be loaned in sections outside of the wheat district in need of relief. This feature is applicable to every one of the 48 States in the Union and the Territory of Alaska, though it is not anticipated that there will be any great demand from that far away and much neglected part of this Union.

You will note that it is not intended to be an agricultural relief measure in any broad sense. It is, as the title expresses it, an emergency relief for a very limited area—the wheat belt—for those farmers who were not permitted to sell their products in a free and open market during the war.

Mr. KENDRICK. Mr. President, will the Senator yield for a question?

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Wyoming?

Mr. NORBECK. I yield.

Mr. KENDRICK. The bill, as I understand it, is limited to the wheat area, which is not described geographically. We would assume from that that it would pertain and apply more particularly to the large wheat-growing sections of Minnesota and North Dakota. Is that the Senator's idea?

Mr. NORBECK. Yes; more particularly in the way that they are the larger wheat-producing area, but it is not limited to that section.

Mr. KENDRICK. It is not limited to that section?

Mr. NORBECK. No.

Mr. KENDRICK. It will apply to surrounding States—South Dakota, Wyoming, Montana, and States of that kind—

Mr. NORBECK. That is the understanding.

Mr. KENDRICK. In the same proportion where the same conditions prevail and the same need for relief is felt?

Mr. NORBECK. Exactly.

Mr. KENDRICK. I thank the Senator, for he is unusually well informed as to conditions in my State and knows that wheat growers of Wyoming have been punished as severely as those of any place in the country and will therefore be entitled to every provision of relief that can be extended to them.

Mr. NORBECK. The Government did not only fix the price of wheat, but it fixed it 50 or 60 cents per bushel below the prevailing market and held it down to the same level when every other commodity was permitted to soar. Wheat farmers have a special claim upon the Government, because the widespread disaster that now exists in that region was due primarily to governmental action:

First. By lowering the price and holding it down.

Second. By appealing to the wheat farmer to win the war by a greater production of wheat.

Third. By inaugurating an effective system to reduce the domestic consumption of wheat.

It is always an open question how much the farmers lost by the Government interference with the wheat market. The price was reduced by the Government approximately 50 cents a bushel. Upon that basis they can prove a loss of nearly \$2,000,000,000. But had their products been permitted to find their own price levels in a free and open market, as other commodities, the farmers would have received some six or eight billion dollars more for their wheat.

No class in the whole country responded more readily to the appeal of our Government than did the wheat farmer. He understood his farming conditions well; he needed no tutor. He was not only aware of the benefits of diversification, but he realized its absolute necessity. He had already substantially

reduced his wheat area and materially increased his livestock holdings in the years preceding the war, as will be shown in the table on page 139 of the hearings. But the Government said "more wheat"—so he sold his hogs, he sold his cattle, he sold his sheep. He invested the money in plows, harrows, binders, tractors, and trucks. His compliance with the Government suggestion was 100 per cent.

Neither did the farmer complain of the fact that an effective propaganda was inaugurated to reduce the domestic consumption of wheat.

The Government succeeded in weaning our people away from wheat. Had it not been for the increased acreage and the decreased consumption, due directly to governmental orders, we would not now be exporting a surplus product. The farmer would have been selling all his products in a protected market, for he would be supplying the domestic market only. He would be selling his wheat at a profit instead of at a loss. At the present time he is selling his exportable surplus in the world market in competition with cheap labor and cheap land, and this feature has largely regulated the price in the domestic market.

You would think from this, Mr. President, that the Government had done plenty to the wheat farmer and that they would not have thought of doing any more to him. But truth is stranger than fiction. The facts are that while the Government acted as the beneficent agent of the farmer in the handling of his grain they proceeded to take out of him a profit of somewhere between fifty and eighty million dollars.

It would be a fair statement to say that the Government holds in trust to-day more than \$50,000,000 of money that belongs to the farmers, taken from them by the Grain Corporation.

I well realize that a technical denial can be made of this fact, but any lawyer or layman would admit that the denial was technical and not fair, nor even true.

It seems that on at least two different occasions our Congress took pity on underfed and starving people of Europe. Under an act approved March 30, 1920, a credit for food supplies to the amount of nearly \$57,000,000 was given to Armenia, Austria, Czechoslovakia, Hungary, and Poland, for which the Government received the bonds of these countries. But the food furnished was from the stores of the Government Grain Corporation and no reimbursement was made to the farmers.

Under an act approved December 22, 1921, a \$20,000,000 fund was provided for Russia. The common impression is this was taken out of the United States Treasury, but it was taken from a fund that the Government held in trust for the farmers.

These facts are set out fully in a recent communication from the Treasury Department.

This country has prided itself on its liberal attitude to Europe, and it is difficult to understand why this relief burden should be borne by the wheat farmers instead of by the country as a whole.

This measure is commonly known as the "Coulter plan," named after Doctor Coulter, president of the North Dakota Agricultural College. It was the outgrowth of several conferences held in the northern wheat district, to see what measure of relief might be worked out for the wheat farmers. The people of South Dakota took no part in these conferences, but are in hearty accord with this purpose. South Dakota is no longer a one-crop State. We raise 5 bushels of corn for every 1 of wheat. Diversification started 40 years ago in the southern part of my State, but the northern part has continued up to the present time to be a heavy producer of wheat. This is the section that participated in a small way in the seed-grain loan of last year, but I am proud to report that 86 per cent of that loan has already been repaid to the Government and the remainder is in process of collection.

Even under normal conditions the credit situation of the western country is different than other sections. There is a scarcity of local capital. The country is new and its accumulation of cash is small. The large industries that have made so many wealthy people in other sections and created such a surplus of funds as to provide available credit are unknown in the Northwest. The rich man does not live among us. When we buy a wagon, a harrow, or a sled we send our money East. When we buy shoes, or clothing, or groceries, the money goes East. When we pay for a life-insurance policy or a fire-insurance policy the money goes East.

The Northwest farmer from the very beginning of the settlement of the country has fully realized that he needs two kinds of credit. He can generally secure the long-time or farm-mortgage money from the East through life insurance companies or farm mortgage bankers. In the 50 years of its set-

tlement there has always been a scarcity of short-time money, except for a short period of inflation following the close of the war. Never has there been such a shortage as in the last three years; the deflation period. Ordinarily small loans would be available at the local banks for putting in the crops or the harvesting of same, or for the payment of taxes or other current expenses until the crop could be marketed. Eastern or outside capital has never been available for these purposes and is not now.

We have for a half century been suffering from a scarcity of funds and high interest rates. The farmer's hopes ran high a year and a half ago, when it was announced that the Federal Government at Washington would soon inaugurate an intermediate credit system that would make funds available for the farmer's ordinary needs. But the most promising thing about the proposition was that we were assured that it would tend to reduce interest rates. I shall not here deal on the disappointments of the failure to secure the promised legislation.

The purpose of this bill is not to have the Government reimburse the farmer for his loss. It does not even aim at securing a better market for him in the future. It is an emergency measure to reach a small percentage of farmers who must diversify in order to survive.

Mr. KENDRICK. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. Fess in the chair). Does the Senator from South Dakota yield to the Senator from Wyoming?

Mr. NORBECK. I yield.

Mr. KENDRICK. I should like to ask the Senator if there is not a widespread appeal from the Northwest for this proposed legislation, and does not that appeal come from men in every line of business and every industry as well as from the agricultural or farming community?

Mr. NORBECK. Yes. The Senator from Wyoming is entirely correct. I will speak of that later. There is universal demand for this proposed legislation from many of the Northwestern States. That demand comes from Minnesota, North Dakota, South Dakota, Montana, and other States.

There are over 20,000 farmers in North Dakota alone who do not produce their own milk and butter. They are without livestock. They have not the funds with which to purchase. There is no credit available to them. They have inquired at the Federal reserve bank and have been told that they are not eligible as customers. They have received the same answer from the War Finance Corporation. They have gone to the intermediate credit and have turned back without hope, the first requirement being that the loan must be made through a local bank.

The widespread disaster has ruined or crippled about 95 per cent of the banks in the northern wheat district. There is not one bank in twenty that is able to take on an additional burden. The farmer can look to no one, except to the Government—that ruined him—to give him a small chance once more. The farmers ask through this measure that the Government lend them a few hundred dollars each with which to purchase some cows, pigs, or other livestock. They have the land; they have the buildings; most of them have the experience. They are men of long residence and good standing in their communities. They are worthy and well qualified.

The bill provides that the maximum loan shall not exceed \$1,000, but it is believed that the average loan will be less than half of this.

In the long, thorough investigations conducted by the Agricultural Committee of the Senate much accurate and valuable information was secured. Among witnesses who appeared were practical farmers from the Northwest, officials of farm organizations, persons connected with the agricultural colleges, State officials having special charge of agricultural work, and many bankers and business men who spoke with an intimate knowledge of the situation.

Under the direction of the North Dakota Agricultural College, a careful survey was made of the needs of a typical section of this wheat district. I desire to quote from the testimony given by Mr. Willard, farm economist of the college referred to. I ask that the testimony of Doctor Willard may be inserted in the Record without reading. It deals at length and in detail with the situation. They took a survey of a large part of the county; they took a number of farmers and figured out the per cent of those who had buildings and those who had lands, how many cattle they could handle, what their credit facilities were, what their chance of success was, and what their attitude toward a measure of this kind was.

The PRESIDING OFFICER. Without objection, the request of the Senator from South Dakota will be granted.

The testimony referred to its as follows:

I wish to turn now for just a few minutes to a short discussion of a survey that we made near the central part of State for the very purpose of determining the necessity and the applicability of this \$1,000 loan proposition as embodied in the proposed legislation. We took a corps of 12 men, who are trained men, who understand how to get this sort of information, to this region and we completely covered three townships and half of a fourth, taking every farmer without regard to who he was, and got a set of detailed information from him as to his cropping system, his amount of stock, the various classes, his net worth; that is, his assets of all sorts and liabilities, consisting of first, second, and third mortgages, his chattels, personal notes, back taxes, interest past due, etc. We verified those liabilities with the financial representative of those farmers and found that they had given in general a very true report, and some of the information contained in that survey I will touch upon, and you may find in these sheets the detailed information, which you can consider at your leisure. That region is representative of probably more than two-thirds of the State of North Dakota, and also is applicable to parts of Montana and South Dakota.

The average size of farms in this region was 575 acres, and 217 acres was in wheat, and this comprised 47 per cent of the crop area of those farms. The average yield of wheat for five years was slightly over 8 bushels on these farms and for this year 5.6 bushels, being about 40 per cent less this year than for the five-year average.

Of all the crops produced, corn, which occupied about 11 per cent of the crop area, maintained its average five-year yield of approximately 24 bushels to the acre. There is some variation between owners and tenants. There were 61 owners and 45 tenants covered. The number of livestock varies between them somewhat, but in general the relationship holds for both classes.

There were 21 farms out of the total 106 farms that had no brood sows whatever; there were 48 out of 106 that had 2 or less; out of 106 farms there were 13 who did raise some sheep and 88 per cent raised no sheep at all. There were 14 farms that had less than 50 head of poultry, and there were 54 farms, or more than 50 per cent, that had less than 100 poultry, which is about the lowest economic unit for our conditions.

There were 50 farms that had less than five milch cows, and those milch cows were only milch cows of a sort, because they were of the short-horn breed that are usually recognized as of the beef type, and these they were endeavoring to milk.

On this average farm the total income for dairy sales amounted to \$234 per farm, that meaning a cash income of only \$39 per cow. For all classes of cattle, both beef and dairy, the combined income reduced the average income per cow to \$23.

Now, in spite of that low income, under present conditions it was a better proposition than wheat, as I will point out just a minute later. Now, these farms show from the quality of the livestock quite definitely how this loan can be used to big advantage, and we determined the number of farmers who desire to make use of this loan for these purposes also. There were 31 farms out of 106 that had scrub sires for cattle. There were 30 farms that had pure-bred sires. The remainder in between had a rather low quality grade cattle.

Now, the outstanding things that these farms require is to improve the quality by disposing of the scrub stuff and substituting therefor pure-bred sires and in some cases better quality of grade stuff.

Records and experiments carried on in actual farms in surrounding territory and across the line in Canada indicate that in two years, with such a substitution in the quality of the stock, an increase in the income, without additional cost, of 50 per cent can be made in two or three years.

In the case of hog production we find the same sort of situation, practically. Twenty per cent of the farms have no sows at all, and there are 10 per cent more that had scrub sires, and there the same sort of introduction should be made.

At the present time and for a number of years sheep have been the most economical class of livestock that we have in North Dakota, as determined from detail records we have maintained on many farms where sheep have been handled. A very large number of the 88 per cent who have no sheep should immediately arrange for a sufficient number of sheep to begin on this enterprise as quickly as possible, and if the governmental policy with respect to the tariff on wool is maintained there is little prospect of overdoing the wool business for many, many years to come.

Now, the total average sales from these farms, being 575 acres in size, amounted to only \$968, and that means a turnover of only 3.3 per cent on the investment.

Of 61 owners, 52 reported that they had barns and other buildings; and I might say that this section was visited by a terrific storm during the last year which almost completely demolished a few farmsteads, which accounts for the fact that not all owners of farms are now equipped with buildings, because it is rather the exception that they do not have barns for their work stock at least which are capable of housing some more additional livestock. Twenty-one out of 61 owner

farms reported tractors and 47 reported automobiles. Fifty-eight out of 61 owner farms reported a considerable mileage of fence and 58 reported considerable quantities of feed and seed on hand for future use.

Now, in regard to obligations, 55 out of 61 owners reported first mortgages, and the average first mortgage amounted to \$6,700 per farm; 19 reported second mortgages, and 3 reported third mortgages; 32 owners and 32 tenants out of 106 farms reported chattel mortgages; 101 farms had some sort of liabilities; only 5 farms out of the 106 had no obligations.

Now, the average amount of assets of owner farms was \$29,419, and the average amount of liabilities was \$11,317, and the average amount of net worth was \$18,102 for owners. For tenants the average amount of net worth was \$1,507, their average assets being \$3,426. The relation of liabilities to assets seems to be of some significance and we find that of the owners 38 per cent of their assets was covered by liabilities, and in the case of the tenants 50 per cent was so covered. Of the owner farms 8 per cent had liabilities in excess of their assets, 37 per cent of the owners have more than half of their assets covered by liabilities, and of the tenants 13 per cent have liabilities in excess of their assets and 41 per cent have more than half of their assets covered by obligations. Under these conditions about 40 per cent do not have collateral of any sort with which to secure loans for livestock or any other purpose, even if money were available for their use.

In order to determine the attitude of the farmers toward the loan a series of question were asked. For example, we found that 34 out of 58 owners said they wanted to get this loan. They also said that they would be willing to make a report every 60 days on the condition of the livestock, and all but 1 of them said that he would be willing to accept the advice of a Government or agricultural college representative, if it were practical, in the handling of such livestock. Twenty-eight of the 34 who answered yes said that they had or could provide shelter for the livestock, and 33 said they had a sufficient water supply; 29 said that they had or could provide ample pasture.

The relative number of tenants that need the loan was greater than the relative number of owners, but the answers to these various questions as to shelter, the taking of advice, etc., was in about the same relative proportion.

Twenty-five farmers out of those desiring the loan wanted to replace the poor quality of stock, 32 out of 64 wanted to add to the stock they now have, and 7 wanted to start anew. This relationship, of course, is expected because of the livestock that they now have.

In the case of owners of small farms 60 per cent of their assets are covered by liabilities. The intermediate-size farms, between 320 and 640 acres, about 41 per cent are covered by liabilities. In the case of the large farms 28 per cent are covered by liabilities, and the average for all owners is 38 per cent.

Now, the relation of the livestock business to net worth has an important bearing in determining whether we want to urge livestock or not, so we made as careful a study as we could from this material and corroborated it from other information that we have from many parts of the State, and we find for these owner farms that have no livestock or very little livestock their net worth was \$41 per acre, whereas those who had considerable livestock and made more sales the net worth per acre is \$46, and we made an arbitrary division right in the middle, the lower half and the upper half, and their net worth was \$46 an acre of land owned, or a difference of \$5 in favor of the livestock farmer. That meant a difference in the net worth per farm on an equal-sized basis of approximately \$4,000 in favor of the livestock fellow over the fellow who had little or no livestock.

Mr. NORBECK. Mr. President, the question has been raised whether diversification will result in overproduction in other lines. The production of dairy products has not kept pace with the consumption.

I quote further from the testimony of Mr. Willard:

In 1919, for example, we had a balance of trade in exports of dairy products; that is to say, that we exported more than we were importing by 2,645,000,000 pounds. But from 1919 down to the present time we have gradually reduced our exports until in the year just passed, according to the estimates furnished me by the Department of Agriculture, based on the commerce reports as far as they are available, we actually imported in 1923, 500,000,000 pounds of dairy products. That is the net balance.

From the standpoint of the national welfare we are now importing dairy products where a few years ago we were exporting large quantities. We are importing large quantities of wool. Our balance of trade in poultry products is slightly on the export side.

Mr. President, in closing I wish to repeat what I said in the beginning, that this is not a measure of general farm relief. The enactment of this bill into law will not bring the farmer's dollar back to par. He will still be unable to exchange a day's labor with anybody. This measure simply provides for limited credit to the farmers in the wheat region that have been nearly shipwrecked by Government interference with economic law.

This measure does not provide that the \$8,000,000,000 that the wheat farmer lost by the Government refusing him a free and open market when every other industry was accorded one shall be paid back to him.

Nor does it even provide that he shall be reimbursed for the \$2,000,000,000 that was lost on account of the Government lowering the price of wheat from its actual market to a lower fixed price.

It does not even provide that the \$50,000,000 to \$80,000,000 abstracted from the farmers by the Government Grain Corporation in the way of profits in dealing with his grain shall go back to the farmer's pockets.

Mr. President, this bill simply provides that the money taken away from the farmers in the form of profit by the Government Grain Corporation shall be loaned to them for a short time at 6 per cent interest.

Mr. President, I ask that a communication addressed to me by the Treasury Department may be published in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

The communication referred to is as follows:

THE TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, February 29, 1924.

MY DEAR SENATOR: Referring to your telephone inquiry of to-day with respect to the profits of the United States Grain Corporation, the Treasury does not have all the details of the matter, and you could probably obtain more complete data, if desired, by addressing Mr. Edward M. Flish, president and treasurer United States Grain Corporation, 42 Broadway, New York City, but I hope that the following will serve your purpose:

The Treasury's information is that substantially all of the profits of the grain corporation, and in fact some of its capital, have been used up in providing relief under two special acts of Congress, for part of which foreign obligations were received in payment. In this connection I am inclosing herewith a copy of the act approved March 30, 1920, authorizing the corporation to sell or dispose of flour then in its possession, not to exceed 5,000,000 barrels, for cash or credit and at such prices and on such terms and conditions as might be necessary to carry out the purposes of the act for relief of the populations in countries of Europe or countries contiguous thereto suffering for want of food. For this flour the grain corporation received foreign obligations aggregating \$56,858,802.49, face amount, a list of which is shown on the reverse side of the statement of the public debt for November 30, 1923. (Copy inclosed.)

I am inclosing also a copy of the act approved December 22, 1921, authorizing the expenditure from the funds of the United States Grain Corporation of a sum not exceeding \$20,000,000, or so much thereof as should be necessary, to purchase in the United States and transport and distribute corn, seed grain, and preserved milk for the relief of the distressed and starving people of Russia and for spring planting in areas where seed grains have been exhausted. I understand that the expenditures made by the corporation under authorization of this act practically exhausted its remaining cash assets.

The \$500,000,000 capital stock of the corporation, all of which was owned by the United States Government, has been reduced by repayments to the Treasury of \$475,000,000, and the Treasury understands from the corporation that the remaining \$25,000,000 of capital stock has since been retired in the course of liquidation, so that the corporation now has no stock outstanding. It is, in fact, in course of dissolution under the Delaware law, its charter having expired on August 16, 1922, and has practically no assets remaining.

You may also be interested in the President's Executive order of August 21, 1920, which provided in part as follows:

"The United States Grain Corporation (a governmental agency organized and conducted pursuant to Executive orders and proclamations of the President under said acts of Congress) shall pay and cover, or cause to be paid and covered, into the Treasury of the United States, as miscellaneous receipts, all amounts refunded by certain licensees of the United States Food Administration (a governmental agency organized and conducted pursuant to Executive orders and proclamations of the President, under said act of Congress approved August 10, 1917), in voluntary divestment of profits taken by said licensees during the 10 months which ended June 30, 1918, in excess of the maximum allowable profits fixed and determined under and pursuant to said act of Congress approved August 10, 1917, and the proclamations, Executive orders, and regulations thereunder, . . ."

Under this order the United States Grain Corporation deposited in the Treasury cash to the amount of \$7,078,988.55, which was covered into the Treasury as miscellaneous receipts.

From the above it will be apparent that in connection with the retirement of its \$500,000,000 capital stock subscribed for by the Government, the corporation has repaid to the Treasury \$475,000,000, and

for the remaining \$25,000,000 has delivered \$56,858,802.49 face amount obligations of foreign countries, whose economic conditions are such as to negative any expectation of early payment.

Very truly yours,

A. W. MELLON,
Secretary of the Treasury.

HON. PETER NORBECK,
United States Senate, Washington, D. C.

COLOMBIAN STEAMSHIP CO.

Mr. FLETCHER. Mr. President, I do not wish to delay a vote on the pending resolution; I am perfectly willing that a vote should be taken; I merely wish to occupy a moment or two while others may be getting ready to discuss the resolution, before the vote on it, to have inserted in the RECORD a letter which I have received from the Colombian Steamship Co. of New York.

On the 13th day of February I submitted some observations on the general subject of the shipping situation. In those remarks on page 2372 of the CONGRESSIONAL RECORD I made reference to the Colombian Steamship Co. It appears that as to one particular matter, which I stated had come to me on information, my statement was somewhat erroneous. I asked the Colombian Steamship Co. to submit the facts to me, which they have done in this letter, and I ask to have the letter inserted in the RECORD.

The PRESIDING OFFICER. The Chair hears no objection, and it will be so ordered.

The letter referred to is as follows:

COLOMBIAN STEAMSHIP CO. (INC.),
New York, February 19, 1924.

HON. DUNCAN U. FLETCHER,
United States Senate, Washington, D. C.

MY DEAR SENATOR: I have been interested in reading your speech in the Senate on the shipping situation as recorded in the CONGRESSIONAL RECORD of February 13, although you probably know that I do not agree; in fact, am opposed to the principle of Government operation, which your remarks from time to time lead me to believe you favor if I correctly interpret them.

I know that you do not wish to make an incorrect statement against any American line, and especially a comparatively new company that is seeking to develop at its own expense business in American ships from American ports to foreign countries. In the next to the last paragraph of the first column on page 2372 of the CONGRESSIONAL RECORD of February 13, after commenting as to the number of ships in operation under the direction of the Shipping Board owned by the Government, you state that some of these contracts require examination, and illustrate the Colombian Line, New York to Windward Islands, as purchasing three ships from the Shipping Board and later being allocated four vessels by the Shipping Board. You are not correctly informed.

The facts are that the Colombian Steamship Co. was organized in April, 1923, with a capital of \$500,000, subscribed to by a few American citizens of Massachusetts, New York, New Jersey, Georgia, and Florida for the purpose of operating, primarily, to Colombia, but with calls at some West Indian ports. This company purchased five steamers from the Shipping Board, which were placed in the route with one other steamer owned by an affiliated company. The Shipping Board had up to this time been operating through agents three services covered by nine ships to the various foreign ports in the Caribbean and to the north coast of South America. The Shipping Board ships are now covering the Virgin Islands, Trinidad, British, French, and Dutch Guiana with two steamers, and have one vessel engaged in the Haitian outport trade. To all of their ports they have no privately owned American competitive sailings. Our joint services with the Shipping Board cover 28 ports under five foreign flags to which there has never been an established private American flag service. The Colombian privately owned service to the Windward Islands since the purchase of the ships from the Government has operated at a loss.

The only compensation that the Colombian line has received from the Shipping Board for operating all of its three vessels is that provided under the M. O. 4 agreement. The overhead expenses to which you refer are borne entirely by the Colombian Steamship Co. The Shipping Board in no way contributes to this expense, either directly or indirectly.

The Colombian Steamship Co. (Inc.) is the first privately owned American steamship company to buy in its entirety a Shipping Board service established under the merchant marine act of 1920.

Very truly yours,

COLOMBIAN STEAMSHIP CO. (INC.),
H. H. RAYMOND, President.

Mr. FLETCHER. Mr. President, I desire to refer to one other matter. On July 29, 1921, in the CONGRESSIONAL RECORD, page 4791, Sixty-seventh Congress, first session, I submitted some observations on the subject of the discrimination in ocean freight rates against South Atlantic ports and Gulf ports and in favor

of North Atlantic ports. I understand the situation which I described at that time still continues. There has been some suggestion recently looking to a possible increase in trans-Atlantic Ocean freight rates, and I want to submit that before such increase goes into effect there should be a readjustment of the rates now discriminatory against the Gulf ports and South Atlantic ports and in favor of North Atlantic ports, extending all the way from Norfolk to Galveston, such discrimination including Wilmington, Charleston, Savannah, Brunswick, Fernandina, Jacksonville, Key West, Tampa, Pensacola, Mobile, and New Orleans. Those rates should be readjusted and those discriminations should be done away with. The present system is based on old-established rates. Prior to the time when we had adequate shipping under our flag and were dependent upon foreign lines to carry our products overseas the foreign lines put those rates into effect. They allowed differentials against the South Atlantic and Gulf ports which have been in effect for many years and are still continued. I submit that if there is to be any increase of trans-Atlantic Ocean rates there should be a readjustment respecting these old rates, and there should be an observance of the constitutional provision which protects the ports of this country, and which is to the effect that no preference shall be given to the ports of one State over those of another.

I have before me an extract from the *Traffic World* on this subject, and a communication from Mr. R. L. McKellar, of Louisville, Ky., which I ask to have inserted in the *RECORD* and referred to the Committee on Commerce.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FLETCHER. And upon the subject of the proposed increase of ocean rates, particularly as applied to agricultural products, I desire to have inserted in the *RECORD* also and referred to the Committee on Commerce a letter from the Secretary of Agriculture, dated February 29.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

OPPOSES SOUTHERN RATE CHANGES.

Officials of steamship lines operating from New York to Europe are protesting to the Shipping Board against the movement started by R. L. McKellar, foreign freight traffic manager of the Southern Railway Co., to obtain export rates by Government vessels from south Atlantic ports equal to the New York rates. Local shipping men declare that the present rail-and-water rates are not unfair to the southern ports, considering the length of railroad and ocean hauls, and that the McKellar proposal would, in effect, be a distinct advantage to those points.

The normal movement to Europe from Chicago is through New York, which is the most direct route, and a differential in favor of Jacksonville is not only uneconomic but unjustified by any other reason, according to New York officials.

Mr. McKellar's illustration of the movement of agricultural implements from Chicago to French ports has been analyzed on the basis of present and proposed rates. The railroad rate from Chicago to New York is 47.5 cents per 100 pounds, or \$10.64 a ton. The rail rate to Jacksonville is 41.5 cents per 100 pounds, or \$9.30 a ton. The ocean rate from New York to French ports, on the basis of one weight ton equaling two measurement tons, is \$10, while the Jacksonville rate is \$11.60. The rail-and-water rate by way of New York is \$20.64 a ton, compared with \$20.90 a ton by Jacksonville, which is a longer route. If the steamship rates were equalized, as suggested by Mr. McKellar, the combined rate per ton by New York would be \$20.64 against \$19.30 by Jacksonville, a differential in favor of the latter port of \$1.34 a ton. If points lower down the Mississippi and Missouri River territories are taken, the advantage in favor of Jacksonville would be correspondingly greater.

In the opinion of local shipping men this would be a discrimination against New York without any economic justification. (Taken from the *Traffic World*, February 2, 1924, p. 295.)

OCEAN RATES FROM ATLANTIC AND GULF PORTS TO EUROPEAN AND MEDITERRANEAN PORTS.

The parity adjustment of ocean rates that is being demanded by southern ports is needed to couple up with the approximate parity of inland rates from competitive territory, thus providing an adjustment of through rates and routes to foreign ports that will enable our foreign commerce originating in midwest and northwest territory to flow freely and without discrimination through all Atlantic and Gulf ports offering suitable steamship service. A wider distribution of our foreign commerce through Atlantic and Gulf ports is also economically desirable from the fact that the preponderance of traffic movement from the midwest is eastbound and from southern territory it is northbound, which means that the empty-car movement in eastern and middle

western territory is westbound and in southern territory it is southbound; therefore, an additional loaded movement southbound, which export business will supply, will bring about a more equitable disposition of available cars and reduce the empty-car movement.

EXISTING DIFFERENTIALS FAVORABLE TO NORTH ATLANTIC PORTS.

Ocean rates from North Atlantic, South Atlantic, and Gulf ports to Cuba and other West Indian ports, South America, Central America, the Orient, through the Panama Canal, and even to Mexican ports, are the same from the three groups, notwithstanding the great disparity in distance in favor of the Gulf and South Atlantic as compared with the North Atlantic to the majority of these foreign ports. On the other hand, ocean rates from Gulf and South Atlantic to United Kingdom and continental ports are higher than from North Atlantic ports, the differential from Gulf ports, except on a few parity commodities, being 15 cents per 100 pounds, and from South Atlantic ports, except on a few parity commodities, the differential is 7½ cents per 100 pounds higher than from North Atlantic ports. In brief, where distance is in favor of New York, as representative of the North Atlantic group, rates are lower than from southern ports, but where distance is in favor of southern ports rates are the same from New York as from the lesser distant southern ports. The measure of ocean rates is not at all in issue. It is the relationship between port groups.

Some few examples of existing distance in mileage and ocean rates as between North Atlantic, South Atlantic, and Gulf ports are as follows:

1. Distance from New York to Liverpool, 3,107 miles. From Charleston to Liverpool, 3,540 miles. New York, less than Charleston, 433 miles, or 12.2 per cent. Rates from Charleston to Liverpool are 7½ cents per hundred pounds higher than from New York, except on coal, iron and steel, tobacco, and a few other parity commodities, which are the same as from New York. Cotton, which is a southern commodity, is 12½ cents per hundred pounds higher from Charleston than from New York.

2. From New York to Gibraltar, 3,207 miles. From Charleston to Gibraltar, 3,619 miles. New York, less than Charleston, 412 miles, or 13 per cent. Rates from Charleston to Mediterranean ports reached through Gibraltar are 7½ cents per hundred pounds higher than from New York, except on a few parity commodities.

3. From New York to Habana, 1,186 miles. From Jacksonville to Habana, 528 miles. Jacksonville, less than New York, 658 miles, or 55.5 per cent. Rates from New York to Habana are the same as from Jacksonville and other South Atlantic ports.

4. From New York to Habana, 1,186 miles. From Mobile to Habana, 553 miles. Mobile, less than New York, 633 miles, or 53.4 per cent. Rates from New York and Mobile to Habana are the same.

5. From New York to Colon, 1,974 miles. From Mobile to Colon, 1,371 miles. Mobile, less than New York, 603 miles, or 30.5 per cent. Rates from New York and Mobile to the west coast of South America, Orient, Philippines, Australia, New Zealand, and India, reached through the Panama Canal, are the same.

6. From New York to Liverpool, 3,107 miles. From New Orleans to Liverpool, 4,613 miles. New York, less than New Orleans, 1,506 miles, or 32.7 per cent. Rates from New Orleans to Liverpool are 15 cents per hundred pounds higher than from New York, except on tobacco, iron and steel, and a few other parity commodities, which are the same. Cotton, a southern commodity, is 20 cents per hundred pounds higher than from New York.

7. From New York to Gibraltar, 3,207 miles. From New Orleans to Gibraltar, 4,593 miles. New York less than New Orleans, 1,386 miles, or 30 per cent. Rates from New Orleans to Mediterranean ports reached through Gibraltar are 15 cents per hundred pounds higher than from New York, except on a few parity commodities, which are the same.

8. From New York to Vera Cruz, 2,017 miles. From New Orleans to Vera Cruz, 789 miles. New Orleans less than New York, 1,228 miles, or 60.9 per cent. Rates from New York and New Orleans to Vera Cruz are the same. From New Orleans to Tampico is 711 miles, or 65 per cent, less than from New York.

There are some other parity exceptions not mentioned, but in the main the general adjustment is as outlined.

The examples of discrimination given can be multiplied without limit, but these are sufficient to be fully illustrative.

There is a fringe of territory extending all around from Halifax to Galveston for 400 to 500 miles into the interior hinterland, from which territory rail rates to the seaboard are carried lowest to the nearest group of ports, as, for example, from territory on and east of the Buffalo-Pittsburgh line rail rates are lower to North Atlantic ports than to other competing ports, and from territory east of the Allegheny Mountains, including West Virginia, they are lowest to Virginia and South Atlantic ports; and from territory south of the Ohio River, embracing the Southeast and Mississippi Valley territory, they are lowest to South Atlantic and Gulf ports; and from Arkansas, Oklahoma, and Texas they are lowest to Gulf ports. From this hinterland territory it is entirely proper that both rail and ocean rates be so adjusted as to insure movement through nearby port, but from

competitive mid-west territory, including the States of Ohio, Indiana, Illinois, Michigan, Wisconsin, and other States north of the Missouri River, the rail rates to Gulf and South Atlantic ports for export are, with few exceptions, the same or no higher than to New York. This mid-west territory is highly productive of measurement cargo, which is so essential to profitable steamship operation; therefore, if there is a parity of ocean rates from Gulf, South and North Atlantic ports, it will allow export commodities originating in this large and productive territory to move to foreign ports on an approximate parity of through rates all the way around the circle from Halifax to New Orleans, with the exception of slight differentials in inland rates that exist in favor of Norfolk, Baltimore, Philadelphia, and Canadian ports under New York.

However, the approximate parity of inland rate adjustment from this competitive mid-west territory outlined is nullified so far as European movement is concerned, unless there is a parity adjustment of ocean rates on commodities originating in that territory.

It is appreciated that the differential ocean adjustment so manifestly discriminatory against South Atlantic and Gulf ports is of several years standing, and that any readjustment will be stubbornly resisted by competing interests. It is a fact, however, that this adjustment was established by foreign steamship lines whose interests largely center at New York, and before this country had a merchant marine of its own and prior to the publication by rail lines of export rates from the Middle West to South Atlantic and Gulf ports the same as to New York.

As a general proposition, ocean rates in the reverse direction on import traffic from Europe to United States ports are practically the same as to North Atlantic, South Atlantic, and Gulf ports.

PROPOSED DIFFERENTIALS IN FAVOR OF SOUTHERN PORTS.

Gulf and South Atlantic ports, and interior exporters using those ports, have for some time been contending for differential ocean rates under eastern ports to Cuba and other Gulf and Caribbean ports, based on the shorter mileage as compared with North Atlantic. The percentage difference in distance in favor of Gulf and South Atlantic ports to Cuba and other Gulf and Caribbean ports is much greater than is the percentage difference in favor of New York to United Kingdom and continental ports; therefore, if the same ocean rates from both groups are justified in the one instance they should also be justified from both groups in the other. It is a well-known fact to steamship men that in actual practice ocean rates are not varied in direct ratio to the distance freight is transported; that distance is most often disregarded and that cost of service is only one factor in determining ocean rates, which are rarely, if ever, made as the result of a scientific process of calculation. If, however, it is decided that the present trans-Atlantic differentials, or any differential, from South Atlantic and Gulf ports higher than North Atlantic ports is justified, either by competition or greater steaming distance—and that differential should therefore be continued—then in all fairness South Atlantic and Gulf ports are entitled to like differentials under North Atlantic ports to Cuba and other Gulf and Caribbean ports based on the lesser mileage from southern ports, and it devolves upon the United States Shipping Board, as a neutral body charged by law with the responsibility of maintaining trade routes from all groups of ports, to remove this unjust discrimination against southern ports, either by wiping out the trans-Atlantic differentials or establishing relative differentials under the North Atlantic from southern ports to Gulf and Caribbean ports.

This is a proposition that not only vitally interests the ports involved, but also all interior exporters desiring the benefit of additional trade routes in marketing their products in foreign countries, and what is needed from the ocean carriers is to place South Atlantic and Gulf ports upon a competing rate basis to the same extent that has been done by the rail carriers.

Eastern steamship interests are unduly alarmed over the proposed readjustment from southern ports. In the first place, all of the leading North Atlantic steamship lines have resident representation in all the principal interior markets, and this representation, added to all other advantages enjoyed by the port of New York, is sufficient to insure the continued supremacy of that port in foreign commerce.

Some of the leading advantages enjoyed by the port of New York are as follows:

1. The influence that cargo in volume has upon the establishment and maintenance of adequate steamship service, it being axiomatic that volume begets volume.
2. Frequency and regularity of sailings; superior and faster service—freight and passenger and joint passenger and cargo.
3. The wide range of foreign ports served by regular steamship service.
4. Superior banking facilities for financing exports and imports.
5. The shorter ocean distance to Europe than from southern ports.
6. The saving in interest charges by using the shorter and faster voyages from New York, as compared with the longer and slower voyages from southern ports.

7. The location of headquarters for all the leading steamship lines, including those serving outports.

8. The location of export and import commission houses.

9. The location of commercial representatives of foreign countries engaged in export and import trade.

10. The location of export and import offices of shippers, carriers (both rail and ocean), and foreign buyers, thus affording a meeting place for all of these foreign trade interests.

11. The volume of exports produced locally in the New York metropolitan district.

12. The volume of exports moving locally into New York for storage, rehandling, and sale by local export commission houses.

13. The volume of mixed car movement of less-than-carload commodities on basis of carload rates.

14. The volume of imports consumed locally in the New York metropolitan district.

15. Advantageous marine insurance rates and facilities.

16. The availability of ocean rates on distress room.

17. The strength of east-and-west lines in controlling export freight for their long haul from highly productive territory.

18. The use of long established trade routes and port arrangements incident thereto which, as a whole, makes the route through New York the line of least resistance.

These cumulative advantages render discriminating ocean differentials in favor of New York entirely unnecessary; in fact, these advantages outweigh any small differential against New York as evidenced by existing rail differentials in favor of Philadelphia, Baltimore, and Montreal, and they also overbalance substantially higher port charges, both in the handling of freight and in the docking of vessels, as compared with southern ports, where ordinarily no charge is assessed for docking vessels.

R. L. McKellar.

DEPARTMENT OF AGRICULTURE,
OFFICE OF SECRETARY,

Washington.

In reply to a letter addressed to him by Mr. Alfred G. Smith, president American Steamship Owners' Association, and made public in the press of February 27, Secretary of Agriculture Wallace released yesterday his answer to Mr. Smith as follows:

FEBRUARY 29, 1924.

DEAR MR. SMITH: I have your letter of February 25 with regard to the advance of 10 cents per hundred pounds on ocean shipments of packing-house commodities.

You say, "In the first place the advance is entirely justified, and, in the second place, as the commodities affected are principally manufactured packing-house products the prices received by the farmers can not in any way be affected."

From the standpoint of the shippers the advance can not be justified, and when I speak of the shipper of meat products I am thinking not of the packer but of the farmers and of stockmen who produce the livestock from which the meat is processed. Your suggestion that advance on packing-house products can not in any way affect the farmer is not well considered. The packer is in a position to take his manufacturing margin whether prices of livestock are high or low. His operating expense, including freight which must be paid, is included in the margin he takes and must be passed on. Transportation and packing charges are a part of the farmers' cost of production. Our meat products are competing in the European market with meat products from other countries. High freight rates and shipping rates handicap us in meeting that competition, and it is conceivable that these rates might be advanced to a point which would drive us entirely out of the market and leave us burdened with a domestic surplus which would be ruinous to our producers. Hog prices are even now below cost of production.

There is another angle to this matter which I wish you would consider. Your proposed increase in the shipping rate, while seemingly not large, is nevertheless substantial. If as a result of this increased cost of getting our livestock to market (for meat must be considered in terms of livestock) our foreign market is narrowed, shipping lines will suffer because of decreased shipments. It is quite possible that the decrease in the amount of freight moved might be much more than enough through reduction in total revenue from this kind of traffic to more than offset any possible gain from an advance in the rates.

I think a study of the relative prices of American meat products before the war and at the present time and of shipping rates before the war and at the present time will show that shipping rates have advanced out of proportion to the price of products. I am told that in November last the rate on meat products was advanced from 35 to 40 cents.

I am told further that, while this proposed increase does not affect wheat or other grains, there has been a steady upward trend in freight rates on wheat and flour since last September.

Permit me to make clear my position by saying that at the present time American farmers can not stand any advance whatsoever in any

freight rates on any agricultural products on land or sea. American agriculture has been undergoing a depression, the like of which we have not seen before in all our history. Prices which the farmers get for their products are altogether out of line with prices which they pay for what they buy. They can not afford to pay one penny more in the way of freight rates. Indeed, they can not afford to pay the rates now in force.

Our shipping lines can render a great service to agriculture in its depressed state if they will make substantial reductions in rates on grains and meat products and do everything they possibly can to help farmers enlarge the foreign market for their surplus. I am convinced that such a policy would not only be of great benefit to the farmers but would be decidedly helpful to our shipping lines as well.

The condition of agriculture is such that all who transport, process, and handle farm products ought to reduce their charges to the minimum, and do everything possible to aid in its rehabilitation.

Very sincerely,

HENRY C. WALLACE.

MR. ALFRED GILBERT SMITH,

President American Steamship Owners' Association,
11 Broadway, New York, N. Y.

REDUCTION OF TAXES—ADJUSTED COMPENSATION OF WORLD WAR VETERANS.

MR. OWEN. Mr. President, I have received quite a number of letters in which apparently there was a determined purpose to establish the theory that the reduction of taxes necessarily would eliminate the soldier bonus. I do not think that is true at all. I think the reduction of taxes can be carried out quite consistently with the granting of the soldier bonus. Under the proposal made by Mr. Mellon the reduction of taxes will be \$300,000,000, of which \$102,000,000 on surtaxes would increase the revenues by increasing the volume of business, so as practically to recoup that.

On the basis of the amortization system established by the farm loan act first as a principle in this country, if applied to the soldier bonus, and applied in precisely the same way that it was applied in the payment of the loan to the British Empire by the United States, it would require only \$55,000,000 per annum to liquidate in 50 years the principal and interest of a billion dollars, or the total charge would be one and a half times \$55,000,000 per annum on a 50-year amortization plan. I requested Dr. Clarence Owens to have these figures worked out by an actuary, and I wish to submit for the Record and have referred to the Committee on Finance his letter in response to that request, together with the figures, so that they may be seen by Senators in the Record. It will be observed that the charge of \$55,000,000, plus the half of that amount, would be a little over \$75,000,000 per annum by which the soldier bonus could be liquidated, estimating it at a billion and a half.

THE PRESIDING OFFICER. Without objection, the letter and figures will be inserted in the Record and referred to the Committee on Finance.

The matter referred to is as follows:

THE SOUTHERN COMMERCIAL CONGRESS,
Washington, D. C., February 5, 1924.

Senator ROBERT L. OWEN,

Senate Office Building, Washington, D. C.

MY DEAR SENATOR OWEN: I have the honor to submit to you a plan employing the principle of amortization under which it would be possible to secure the funds with which to pay the cash under the soldier bonus bill.

The Southern Commercial Congress organized the American Commission that, under an act of the Congress of the United States, cooperated with the United States Commission on Rural Credits, appointed by the President of the United States. I had the honor to serve as a member of the commission appointed by President Woodrow Wilson March 14, 1913. The heart of the Federal farm loan act, passed by the Congress of the United States, based upon the report of these commissions, employs the principle of amortization, and under the law \$1,200,000,000 have been loaned to American farmers. The principle is therefore understood by the farmers throughout the United States, as every rural district in the country has been the recipient of the benefits of the law. Herewith you will find a digest of the reports of the commissions above referred to and also a copy of Senate bill 500 of the Sixty-fourth Congress, containing the Federal farm loan act. See page 29 of this document for the chronology of this legislation.

The Southern Commercial Congress during 1922 and 1923 organized and directed the International Trade Commission throughout Europe and submitted a plan for the settlement of the debts of nations, including German reparations, by the employment of the principle of amortization. The Southern Commercial Congress initiated this plan that was adopted in the settlement with Great Britain and Finland. The plan has been submitted to the debt-funding missions of all interested coun-

tries. Great Britain is now funding a debt of \$4,600,000,000 on this principle. The principle has been approved by the British Parliament and by the Congress of the United States. In approving it the Congress of the United States set aside a law previously adopted providing for 44 per cent and 25 years to run as a basis for the settlement of the debts of nations.

Now, with this high indorsement of the principle that has been sponsored by the Southern Commercial Congress, we have the privilege of submitting to you for your consideration a plan involving the principle that may be employed in providing the funds with which to pay the cash as a bonus to soldiers and sailors of the United States.

The plan involves the issuance of bonds by the United States, to be exempt from taxation, carrying 5 per cent interest and one-half of 1 per cent for amortization, or \$55,000,000 per billion dollars per annum, to retire the bonds in approximately 50 years. Herewith is a table indicating the amounts to be paid annually on account of interest and principal, showing the unpaid balance at the end of each year. If bonds are issued for one and one-half billion, then the annual fixed sum would be \$82,500,000.

If this plan is adopted, the Congress of the United States would not find it necessary to raise taxation nor to find new sources of revenue, nor appropriate money coming into the Treasury of the United States from the usual sources. It would be necessary only to apply to the annual payments a part of the annual amortization to be received from Great Britain. No doubt in the near future other nations now indebted to the United States will be given a similar privilege as extended to Great Britain, and they will be making annual payments to liquidate their indebtedness to the United States.

With the hope that this plan will meet with your approval and that you will submit it to the Congress of the United States, I beg to remain,

Cordially and sincerely,

CLARENCE J. OWENS, President.

[Submitted by Clarence J. Owens, president, Southern Commercial Congress.]

AMORTIZATION PLAN FOR ISSUANCE OF UNITED STATES BONDS TO PROVIDE CASH REQUIREMENTS FOR THE BONUS FOR AMERICAN SOLDIERS AND SAILORS.

Table showing annual payments on principal and interest upon \$1,000,000,000 to be amortized at 5 per cent and one-half of 1 per cent amortization.

(Annual payment \$53,000,000.)

Year.	Interest.	Paid on principal.	Balance unpaid.
1.....	\$50,000,000	\$5,000,000	\$995,000,000
2.....	49,750,000	5,250,000	989,750,000
3.....	49,427,000	5,513,000	984,237,000
4.....	49,211,850	5,788,150	978,448,850
5.....	48,922,443	6,077,557	972,371,293
6.....	48,618,595	6,381,435	965,989,858
7.....	48,299,493	6,700,507	959,289,351
8.....	47,964,468	7,035,532	952,253,819
9.....	47,610,690	7,387,309	944,866,511
10.....	47,243,328	7,756,674	937,109,836
11.....	46,856,492	8,144,508	928,965,328
12.....	46,448,265	8,551,734	920,413,594
13.....	46,020,680	8,979,320	911,434,274
14.....	45,571,714	9,428,588	902,005,686
15.....	45,100,299	9,899,701	892,105,987
16.....	44,605,314	10,394,886	881,711,091
17.....	44,085,580	10,914,420	870,797,181
18.....	43,539,859	11,460,141	859,337,040
19.....	42,968,852	12,033,148	847,303,892
20.....	42,365,195	12,634,805	834,669,087
21.....	41,733,454	13,266,546	801,402,541
22.....	41,070,127	13,929,873	807,472,668
23.....	40,378,633	14,626,367	792,846,301
24.....	39,642,315	15,357,685	777,488,616
25.....	38,874,431	16,125,569	761,363,047
26.....	38,068,152	16,931,848	744,431,199
27.....	37,221,360	17,778,440	726,652,759
28.....	36,332,638	18,667,362	707,985,397
29.....	35,399,270	19,600,730	688,384,667
30.....	34,419,233	20,580,767	667,803,900
31.....	33,390,195	21,609,805	646,194,095
32.....	32,309,705	22,690,295	623,503,800
33.....	31,175,190	23,821,810	599,678,990
34.....	29,983,950	25,016,050	574,662,940
35.....	28,733,147	26,266,853	548,396,087
36.....	27,419,804	27,580,196	520,815,891
37.....	26,040,795	28,959,205	491,856,686
38.....	24,592,834	30,407,166	461,449,520
39.....	23,072,476	31,927,524	429,521,995
40.....	21,476,100	33,523,900	395,998,096
41.....	19,799,905	35,200,098	360,798,001
42.....	18,039,900	36,960,100	323,837,901
43.....	16,191,895	38,808,105	285,029,796
44.....	14,251,490	40,748,510	244,281,286
45.....	12,214,064	42,785,936	201,495,350
46.....	10,074,768	44,935,232	156,560,118
47.....	7,825,596	47,171,494	109,398,624
48.....	5,469,931	49,530,089	59,858,555
49.....	2,993,428	52,008,572	7,861,983
50.....	393,099	7,861,983

ATTORNEY GENERAL DAUGHERTY.

The Senate resumed the consideration of Senate Resolution 157, submitted by Mr. WHEELER on February 13, as modified by him on yesterday, directing a committee to investigate the failure of the Attorney General to prosecute or defend certain criminal and civil actions wherein the Government is interested.

Mr. ROBINSON. Mr. President, during the course of my remarks this afternoon I read and discussed an article which I said emanated from the White House relative to efforts upon the part of the Government to recover section 36 in naval oil reserve No. 1. The article and the statement to which I referred indicated that the President himself initiated the movement and the proceedings to recover this property on behalf of the Government.

I call the attention of the Senate to the fact that Senate Joint Resolution 71, by Mr. WALSH of Montana, introduced in this body January 28, 1924, passed the Senate on February 7 and passed the House of Representatives on February 16, requiring or directing the Secretary of the Interior to institute proceedings for the recovery of this property and authorizing the President of the United States to employ special counsel for that purpose.

I make the statement in order that the Senate and the country may understand that the Senate really initiated the proceeding and not the Chief Executive.

Mr. McKELLAR. Mr. President, I believe we are to vote now. Before we vote, I wish to read a very short article from the Washington Times which has just been issued. The headlines are these:

M'LEAN A JUSTICE DEPARTMENT AGENT—LISTED AS DOLLAR-A-YEAR MAN—CARRIES SHIELD AND CREDENTIALS OF REGULAR OPERATOR, DISCLOSED BY PROBE.

[By Kenneth Clark, International News Service.]

Edward B. McLean, wealthy publisher and one of the central figures in the oil scandal, is a duly accredited agent of the Department of Justice, it was learned officially to-day.

McLean, whose secret telegrams have been under scrutiny by the Senate investigating committee for 10 days, is known as "a dollar-a-year man," it was revealed to-day. He possesses a shield and an operative's credentials.

Mr. President, the junior Senator from Ohio [Mr. FESS] spoke this morning in very harsh terms of his colleagues in the Senate. It seems to me the fact that has just come to light in these hearings in regard to Mr. McLean, whose record has been of such an unsavory kind in this whole transaction, ought to be sufficient to convince even the junior Senator from Ohio that this resolution ought to pass, and that all of the Attorney General's acts should be carefully and fairly investigated.

Mr. President, one other word and I am through.

I regret that the junior Senator from Ohio, with whom I served in the House and for a short time in this body, took the course that he took this morning. I regretted to find that in order to defend conduct of the kind of which the Attorney General has been guilty, even that which he admits to be true, the Senator was willing to condemn all of his associates in the Senate, and to denounce their conduct as shameful and disgraceful.

Mr. President, it seems to me that characterizations by the junior Senator from Ohio of the conduct of his colleagues in this body during the short time he has been a Member of it are very unfair and very unjust. I could hardly believe my ears when I heard these characterizations indulged in by the junior Senator from Ohio. I hope that upon reflection, at some subsequent time, the junior Senator from Ohio will apologize to his colleagues in the Senate for the statements that he has made about them. In my humble judgment his criticism was wholly unwarranted, and it seems to me it should be apparent to him, because, so far as I have heard, he and his colleague from Ohio [Mr. WILLIS] are the only persons who have defended the Attorney General; and the distinguished senior Senator from Ohio [Mr. WILLIS] has not seen fit to bring a blanket indictment against his colleagues because they differed with him. It seems to me that if I were in such a hopeless minority I would not undertake to characterize as shameful and disgraceful the conduct of my colleagues.

Mr. WILLIS. Mr. President, I request the attention of the junior Senator from Montana [Mr. WHEELER]. I desire to offer an amendment to the resolution.

In line 5 of page 2, after the word "the," I move to insert the word "alleged," so that it will read "the alleged failure," and so forth. I understand that is not objectionable to the Senator from Montana.

Mr. WHEELER. I have no objection to the amendment.

The PRESIDING OFFICER. The Senator from Ohio offers an amendment, which will be stated.

The READING CLERK. On page 2, line 5, before the word "failure," it is proposed to insert the word "alleged," so that it will read "concerning the alleged failure," and so forth.

Mr. CURTIS. Mr. President, I had intended to offer a similar amendment, not only at that point but at others; but I think the amendment offered by the Senator from Ohio will cover the matter, and I hope it will be adopted.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. WILLIS. Now I desire to offer another amendment. In line 9, before the word "neglect," I move to insert the word "alleged," so that it will read "the alleged neglect," and so forth.

The PRESIDING OFFICER. The Senator from Ohio offers an amendment, which will be stated.

The READING CLERK. On page 2, line 9, before the word "neglect," it is proposed to insert the word "alleged," so that it will read "the alleged neglect and failure," and so forth.

The amendment was agreed to.

Mr. WILLIS. On line 2, page 3, I offer a similar amendment. I move to insert, before the word "neglect," the word "alleged."

The PRESIDING OFFICER. The Secretary will state the amendment.

The READING CLERK. On page 3, line 2, before the word "neglect," it is proposed to insert the word "alleged," so that it will read, "as well as the alleged neglect and failure of the said Attorney General."

The amendment was agreed to.

Mr. WILLIS. On page 3, in line 4, before the word "failure," I offer a similar amendment. I move to insert the word "alleged," so that it will read "his alleged failure."

The PRESIDING OFFICER. The Senator from Ohio offers an amendment, which will be stated.

The READING CLERK. On page 3, line 4, before the word "failure," it is proposed to insert the word "alleged," so that it will read "and his alleged failure to prosecute," and so forth. The amendment was agreed to.

Mr. WILLIS. Mr. President, I ask unanimous consent at this point to insert in the Record three brief editorials which I have gone over carefully, and which I can assure the Senate contain no reflection upon any Member of the Senate but do relate to the matter of this resolution.

The PRESIDING OFFICER. Without objection, the material may be inserted.

The matter referred to is as follows:

[From the Herald-Examiner of February 23, 1924.]

(By Arthur Brisbane.)

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The fight between Attorney General Daugherty and the crowd trying to drive him out of office will be worth watching. The Attorney General is a fighter. His enemies include some able men.

One question is: Who are the men behind those that are trying to get rid of Mr. Daugherty?

The charges made against him are vague. That he had nothing to do with the Teapot Dome case everybody knows. Both Mr. Fall and Mr. Denby testified that the Attorney General was not consulted. Nobody asked his opinion. His duty and powers in the administration are limited to giving legal opinions when asked for them.

It is no part of his business to tell Cabinet officers that they are breaking the law, whatever his own opinion may be, unless the President or a Cabinet member asks for advice.

Some of Mr. Daugherty's enemies, that have real cause for wishing him out of office, keep very quiet in these proceedings. They include men that Daugherty accused of selling to themselves or to friends, for a nominal, dishonest price, property which they held as public trustees.

Mr. Daugherty brought legal proceedings against a collection of war profiteers and grafters and talked plainly about them. Some powerful men are included among those that have good reason to hate him.

The public will withhold its opinion concerning Mr. Daugherty until it knows whether he is being attacked in the interest of the public or in the interest of war grafters whom he attacked and exposed.

[From the Cincinnati Times-Star of February 9, 1924.]

WITHOUT BENEFIT OF JURY.

Legislative impeachments are a historical part of the development of representative institutions. Legislative investigations, such as the oil inquiry at Washington, have quite another origin. When Indian war parties captured a prisoner and felt that the encampment deserved or desired entertainment, they bound him to a stake with a fire at

his feet; the squaws did the rest. Lighted splinters were thrust into his body, the village danced around him, and he was slowly burned and whittled to death. The blood lust was sated, and, with one exception, a good time was had by all.

In form, and often in fact, a search for the truth, an American legislative inquiry resembles the Indian stake dance in that the person under examination is deprived of his rights as a man and subjected to torture for purposes of popular entertainment.

An American citizen is supposed to be entitled to his day in court and to representation by counsel there; and there is something in the Constitution about an impartial trial by a jury of his peers. He loses all these guaranties when he goes before a legislative inquiry, because in form it is not a trial at law. He has no right to counsel; only by grace can his lawyer be present, and if the latter's presence be permitted his power to help his client is so circumscribed that it may become nothing at all. What the accused says is under oath with a perjury penalty. But any Senator may call him a thief and scoundrel or make any false statement about him without taking oath or being held accountable therefor. * * * Private or partisan rancor has opportunities to wreak itself in slander beyond anything available to Venetian spies when they dropped their accusations in the Lion's mouth.

The vice of such investigations is that while purporting to be inquiries merely, in fact they are trials, and trials that end as trials are bound to do when an accused person is not allowed to defend himself. The punishment is publicity, and sometimes it is heavier than a jail sentence. Innocent and guilty pass through the furnace together, and the casual malice of a single senatorial inquisitor will make them look so like that the public will not see the difference for three or four years afterwards, or will not see it at all. "That man was somehow mixed up in the oil investigation" is the label that a number of Americans, of both parties, some of them of far higher character than their official inquisitors, will wear the rest of their lives, simply because it has become a habit here to let mere committees of the National Legislature override personal rights that kings have been beheaded for ignoring.

Through a period of years we have followed the history of such investigations and have noted the betrayal of basic rights, the denial of constitutional guaranties, the conscienceless gratification of partisan necessities and personal grudges. We have appraised both the incidental good they do and the evil they intend and achieve. Our conclusion is found in Magna Charta, the Bill of Rights, the Constitution, and other still respectable sources—that the place to try a man is before a jury in a court room and nowhere else.

[From the Akron Beacon-Journal of February 26, 1924.]

GIVE DAUGHERTY A FAIR TRIAL.

No one in Ohio has less reason to love Harry M. Daugherty politically than ourselves. Our ways have been separate, our ideals different, our objects not the same, but notwithstanding this fact we do not hesitate to say that he is being most unjustly treated. Nothing has been proved against him. Not a charge that he could answer has been brought forth, except those disposed of by Congress when it voted almost unanimously that there was nothing substantial in the Kellar impeachment proceedings. Beyond this it is only rumor, inference, and gossip which may have behind them damaging truth or which may be false as hell. And yet a mighty hue and cry is raised even by good and sensible men that he should flee from the Cabinet and thereby confess his guilt. It is true they do not express it that way. They say it would relieve President Coolidge of embarrassment.

If Daugherty is guilty of violating the law or even compromising the great office he holds, Coolidge can duly be relieved of embarrassment by having that fact proved and Daugherty driven in disgrace from the high office he holds. It could not relieve the President of anything except his self-respect to crucify an innocent man upon the political crosses that are now being set up. If Daugherty is guilty he should not be spared, but he should not be lynched in advance of the establishment of his guilt by mob or any other kind of clamor. The thing has gone too far now to stop. The truth at the back of it should be fully established. But until that is done no one should demand that he should take a step which the whole world would say never would have been taken had he been innocent. To assassinate the body is a frightful crime, but to insist that he shall voluntarily perform an act which would destroy his whole future in order to satisfy clamor that is so far backed by no evidence is going entirely too far.

We repeat that if he is guilty he should not be allowed to escape the full consequences of that guilt. No question should be left about it even though it destroys good Democratic campaign material. It should be proved or disproved and until then, unless we have lost the spirit of fair play in this country, let us suspend judgment. In this we believe we express the sound opinion of the country, and

we are doing it notwithstanding the fact that no love on political questions and methods between Mr. Daugherty and ourselves has ever been or is ever likely to be lost.

The PRESIDING OFFICER. The question is on agreeing to the resolution as modified and amended.

Mr. EDGE. Mr. President, a parliamentary inquiry. Do I understand that the preamble has been stricken out?

The PRESIDING OFFICER. Action on the preamble will come after the vote on the body of the resolution.

Mr. CURTIS. Mr. President, I think it should be understood that we have an agreement that the preamble will be stricken out.

Mr. EDGE. The question now is on the resolution by itself?

The PRESIDING OFFICER. It is.

Mr. McKELLAR. I call for the yeas and nays, Mr. President.

The yeas and nays were ordered.

Mr. COUZENS. Mr. President, may we have the resolution read?

The PRESIDING OFFICER. The Secretary will read the resolution as it now stands.

The READING CLERK. The resolution, as modified and amended, reads as follows:

Resolved, That a committee of five Senators, consisting of three members of the majority and two of the minority, be authorized and directed to investigate circumstances and facts, and report the same to the Senate, concerning the alleged failure of Harry M. Daugherty, Attorney General of the United States, to prosecute properly violators of the Sherman Antitrust Act and the Clayton Act against monopolies and unlawful restraint of trade; the alleged neglect and failure of the said Harry M. Daugherty, Attorney General of the United States, to arrest and prosecute Albert B. Fall, Harry F. Sinclair, E. L. Doheny, C. R. Forbes, and their coconspirators in defrauding the Government, as well as the alleged neglect and failure of the said Attorney General to arrest and prosecute many others for violations of Federal statutes, and his alleged failure to prosecute properly, efficiently, and promptly, and defend all manner of civil and criminal actions wherein the Government of the United States is interested as a party plaintiff or defendant. And said committee is further directed to inquire into, investigate, and report to the Senate the activities of the said Harry M. Daugherty, Attorney General, and any of his assistants in the Department of Justice which would in any manner tend to impair their efficiency or influence as representatives of the Government of the United States.

That said committee above referred to and the chairman thereof shall be elected by the Senate of the United States.

Resolved further, That in pursuance of the purposes of this resolution said committee or any member thereof be, and hereby is, authorized during the Sixty-eighth Congress to send for persons, books, and papers, to administer oaths, and to employ stenographic assistance at a cost not to exceed 25 cents per hundred words, to report such hearings as may be had in connection herewith, the expenses thereof to be paid out of the contingent fund of the Senate, and that the committee, or any subcommittee thereof, may sit during the sessions or recesses of the Senate.

The PRESIDING OFFICER. The question is now upon agreeing to the resolution as amended. The yeas and nays have been ordered, and the Secretary will call the roll.

The reading clerk proceeded to call the roll.

Mr. BROUSSARD (when his name was called). I have a general pair with the senior Senator from New Hampshire [Mr. MOSES], and not being able to secure a transfer, will withhold my vote. If permitted to vote, I would vote "yea."

Mr. CURTIS (when Mr. CAPPER's name was called). I desire to announce the unavoidable absence of my colleague [Mr. CAPPER]. If present, he would vote "yea."

Mr. EDGE (when his name was called). I have a pair with the junior Senator from New Jersey [Mr. EDWARDS]. I understand that if he were present he would vote as I shall vote, and therefore I am at liberty to vote. I vote "yea."

Mr. JONES of New Mexico (when his name was called). I transfer my general pair with the Senator from Maine [Mr. FERNALD] to the senior Senator from Tennessee [Mr. SHIELDS] and vote "yea."

Mr. KING (when his name was called). I have a general pair for the day with the senior Senator from New York [Mr. WADSWORTH]. I am not advised as to what the attitude of my pair would be upon this resolution, and therefore I withhold my vote. If I were permitted to vote, I should vote "yea."

Mr. SIMMONS (when Mr. OVERMAN's name was called). My colleague [Mr. OVERMAN] is absent on account of illness. If he were present, he would vote "yea." He is paired, however, with the senior Senator from Wyoming [Mr. WARREN].

Mr. McKELLAR (when Mr. SHIELDS's name was called). I desire to announce that my colleague [Mr. SHIELDS] is unavoidably absent from the Senate to-day.

Mr. SIMMONS (when his name was called). I have a general pair with the junior Senator from Oklahoma [Mr. HARRELD], who is absent. I transfer that pair to the senior Senator from Nevada [Mr. PITTMAN] and vote "yea."

Mr. STEPHENS (when his name was called). I have a pair with the junior Senator from Missouri [Mr. SPENCER]. In his absence, I withhold my vote. If permitted to vote, I would vote "yea."

Mr. TRAMMELL (when his name was called). I have a pair with the senior Senator from Rhode Island [Mr. COLT]. In his absence, I transfer that pair to the junior Senator from New York [Mr. COPELAND] and vote "yea."

Mr. GERRY (when Mr. UNDERWOOD's name was called). The senior Senator from Alabama [Mr. UNDERWOOD] is paired with the senior Senator from Massachusetts [Mr. LODGE]. He is unavoidably absent on account of sickness. If present, he would vote "yea."

I also desire to announce that the senior Senator from Nevada [Mr. PITTMAN] is unavoidably absent. Also that the junior Senator from Maryland [Mr. BRUCE] is necessarily absent.

Mr. WALSH of Massachusetts (when his name was called). I have a general pair for the day with the senior Senator from Indiana [Mr. WATSON]. If present, the Senator from Indiana states that he would vote as I intend to vote, and therefore being free to vote, I vote "yea."

Mr. WARREN (when his name was called). I have a general pair with the junior Senator from North Carolina [Mr. OVERMAN]. He is absent, and I therefore withhold my vote.

The roll call was concluded.

Mr. SWANSON. I desire to state that my colleague [Mr. GLASS] is paired with the senior Senator from Connecticut [Mr. McLEAN]. He is unavoidably detained from the Senate.

Mr. SMITH. I have a general pair with the senior Senator from South Dakota [Mr. STERLING]. I have been informed that if he were present he would vote as I shall vote. Therefore I vote "yea."

Mr. BAYARD (after having voted in the affirmative). I have a general pair with the junior Senator from Pennsylvania [Mr. REED]. When my name was called I thought he was present. I find, however, that he is absent. I now transfer my pair to the junior Senator from Maryland [Mr. BRUCE] and allow my vote to stand.

Mr. DIAL. I have a pair with the senior Senator from Colorado [Mr. PHIPPS]. I transfer that pair to the senior Senator from Missouri [Mr. REED] and vote "yea."

Mr. CURTIS. It is my understanding that the senior Senator from Pennsylvania [Mr. PEPPER] would vote "yea" if present. He is necessarily absent.

The result was announced—yeas 66, nays 1, as follows:

YEAS—66.

Adams	Ernst	Kendrick	Sheppard
Ashurst	Ferris	Keyes	Slipstead
Ball	Fess	Ladd	Shortridge
Bayard	Fletcher	La Follette	Simmons
Borah	Frazier	Lenroot	Smith
Brandeggee	George	McKellar	Smoot
Brookhart	Gerry	McKinley	Stanfield
Bursum	Gooding	McLean	Stanley
Cameron	Idale	McNary	Swanson
Caraway	Harris	Mayfield	Trammell
Couzens	Harrison	Neely	Walsh, Mass.
Cummins	Heflin	Norbeck	Walsh, Mont.
Curtis	Howell	Norris	Weller
Dale	Johnson, Calif.	Oddie	Wheeler
Dial	Johnson, Minn.	Ralston	Willis
Dill	Jones, N. Mex.	Ransdell	
Edge	Jones, Wash.	Robinson	

NAYS—1.

Elkins.

NOT VOTING—29.

Broussard	Greene	Pepper	Sterling
Bruce	Harreld	Phipps	Underwood
Capper	King	Pittman	Wadsworth
Colt	Lodge	Reed, Mo.	Warren
Copeland	McCormick	Reed, Pa.	Watson
Edwards	Moses	Shields	
Fernald	Overman	Spencer	
Glass	Owen	Stephens	

So Mr. WHEELER's resolution as amended was agreed to.

Mr. LA FOLLETTE obtained the floor.

Mr. CURTIS. Will the Senator yield? We have not disposed of the preamble.

Mr. LA FOLLETTE. I yield for that purpose.

Mr. CURTIS. I understand that the preamble is to be withdrawn.

Mr. ROBINSON. That was the understanding. It may be stricken out.

The PRESIDENT pro tempore. The Senator from Montana [Mr. WHEELER] asks leave to withdraw the preamble of the resolution. Is there objection?

Mr. FLETCHER. I take it that the language introducing the resolution will have to be modified to some extent. It should begin merely with the word "Resolved."

The PRESIDENT pro tempore. That is the case. The Chair hears no objection, and the preamble to the resolution is withdrawn.

Mr. LA FOLLETTE. Mr. President, pursuant to the provisions of this resolution, I nominate as a member of the special committee for which the resolution makes provision, and as chairman of that committee, the junior Senator from Iowa [Mr. BROOKHART].

In so designating him as chairman of that committee, I desire merely to say that it is in conformity with the precedents of the Senate. I had expected to speak upon this resolution and would have done so had not the Senator from Massachusetts withdrawn his proposed amendment. I take this opportunity to say that besides being in strict conformity with the rules of the Senate, it is no innovation in the practice of this body that both standing committees and special committees shall be elected by the Senate and not appointed by the Presiding Officer.

From my study of the question, I am unable to find that it has ever been taken as a reflection upon the Vice President, the President pro tempore, or any Senator who might chance to be the Presiding Officer of the Senate at the time such proposition was submitted.

Mr. President, although it is not so pertinent now as it would have been with the amendment proposed by the Senator from Massachusetts pending, I beg just in a word to direct the attention of Senators to the fact that this investigation is the investigation by the Senate. Who, therefore, should select the investigators other than the Senate?

I have gathered together many of the precedents of the Senate providing for the election by the Senate of special committees, some of them naming the special committees in the resolution and some of them providing for the election by the Senate and leaving, as does this resolution in its modified form, the Senators to make nominations after it shall have been passed, just as we are proposing to do now. I say this because I am unwilling to let the record stand where it stood in conformity with the declaration of the senior Senator from Massachusetts, that it was a violation of precedent. It is nothing of the kind.

There has grown in the Senate, in conformity with the growth of machine manipulation of politics, the practice of attempting to control the selection of committees either through having them named by the presiding officer or by taking the business of the Senate into caucuses, in violation, I believe, of the Constitution. They transact the business there and then bring it in here and attempt to put it through, thus making the selection of committees, which are to control the business of the Senate, the office of caucuses held in secret, instead of choosing on the floor of the Senate, in the light of the public eye, the important bodies that control really the legislation of Congress. I hope, sir, that the time will come when all committees will be chosen in the Senate and not arranged for in secret conferences and caucuses.

I lay it down as a great fundamental principle of government that "no power ought to be delegated which can be fairly exercised by the constituent body."

Sir, I believe the time is near at hand when we will change the present practice of naming regular or standing committees of the Senate.

It is un-American; it is undemocratic. It has grown into an abuse. It typifies all of the most harmful practices which have led an enlightened and aroused public judgment to decree the destruction of the caucus, convention, and delegate system of party nominations.

Under the present system of choosing the standing committees of the United States Senate, a party caucus is called. A chairman is authorized to appoint a committee on committees. The caucus adjourns. The committee on committees is thereafter appointed by the chairman of the caucus. It proceeds to determine the committee assignments of Senators. This places the selection of the membership of the standing committees completely in the hands of a majority of the committee on committees, because in practice the caucus ratifies the action of the committee and the Senate ratifies the action of the caucus.

See now what has happened. The people have delegated us to represent them in the Senate. The Senate, in effect, has delegated its authority to party caucuses upon either side.

The party caucus delegates its authority to a chairman to select a committee on committees. The committee on committees largely defer to the chairman of the committee on committees in the final decision as to committee assignments.

The standing committees of the Senate so selected, Mr. President, determine the fate of all bills; they report, shape, or suppress legislation practically at will.

Hence the control of legislation, speaking in a broad sense, has been delegated and redelegated until responsibility to the public has been so weakened that the public can scarcely be said to be represented at all.

Mr. President, I believe the day is near at hand when Members of this body will refuse to permit the secret senatorial caucus to exercise any controlling action upon the public business.

Mr. ROBINSON. May I suggest to the Senator from Wisconsin that he put in the RECORD the precedents to which he has referred?

Mr. LA FOLLETTE. Yes; I shall do so.

One of the earliest precedents I came across in my examination of the subject arose on the 3d of March, 1803. At that time the Senate elected a select committee to consider the impeachment of Judge Pickering. This fact was cited by Senator Tazewell when the impeachment of Judge James H. Peck came up, April 26, 1830. The debates in Congress of April 26, 1830 (vol. 6, pt. 1, p. 384), read:

Mr. Tazewell then read from the Senate Journal as follows:

"In the Senate of the United States, March 3, 1803.

"On motion,

"Ordered, That the message received this day from the House of Representatives respecting the impeachment of John Pickering, judge of a district court, be referred to Messrs. Tracy, Clinton, and Nicholas, to consider and report thereon."

Report of the proceedings of the Senate at that time were not as now a chronicle of every statement made on the floor of the Senate, but a summation of what occurred.

In the Congressional Globe, Twenty-fourth Congress, first session, December 22, 1835, page 24, I find the following:

The Senate proceeded to ballot for a select committee to consider the President's message relative to the northern boundary of the State of Ohio and the application of the State of Michigan for admission into the Union, and Messrs. Benton, Wright, Clayton, Crittenden, and Preston were chosen.

On page 514 of the same volume, following debate regarding the deposit of public moneys on May 31, 1836, I quote as follows:

On motion of Mr. Calhoun, the whole subject was referred to a select committee of nine members, which, on balloting, was found to consist of Wright, Calhoun, Webster, King of Alabama, Buchanan, Hendricks, Shepley, Leigh, and Ewing of Ohio.

In the first session of the Thirty-second Congress a contest arose over the seat of the Senator from Florida, Hon. Stephen R. Mallory. Immediately upon the presentation of his credentials by Senator Morton question was raised as to his right to a seat. It was moved—and now I quote from the Globe—

that the credentials of the Senator elect, together with the extract from the journal of the Florida Legislature, be referred to a select committee of five.

The motion was agreed to.

On motion of Mr. Gwin, the election of the special committee was postponed until 1 o'clock to-morrow.

SPECIAL ELECTION COMMITTEE.

(From p. 11.)

The hour of 1 o'clock having arrived, the Senate proceeded to ballot for a special committee agreed to be appointed yesterday to consider and report on the Florida contested-election case.

The President announced that the Secretary had furnished him with the following result of the balloting: Mr. Berrien received 21 votes, Mr. Bright 21, Mr. Davis 21, Mr. Mason 17, and Mr. Pearce 12. These five gentlemen having received the highest votes, they were duly elected the special committee.

Mr. BERRIEN. I would inquire what was the whole number of Senators voting?

The PRESIDENT. The Chair can not tell. It is not usual to require a majority of the whole number to elect members of a select committee. They are elected by plurality.

Mr. BERRIEN. I was under the impression that it required a majority to constitute any act of the Senate. My impression is that we have several times balloted repeatedly for members of committees.

The PRESIDENT. The majority rule applies to standing committees.

The PRESIDENT. The rule on the subject, after speaking of the standing committees, says:

"All other committees shall be appointed by ballot, and a plurality of votes shall make a choice."

The Senate having under consideration the assault upon Mr. Sumner, the CONGRESSIONAL GLOBE of May 22, 1856, contains the following:

Mr. MASON. I move to amend the resolution in such a manner as to provide that the committee shall be elected by the Senate.

Mr. SEWARD. I accept the amendment.

The PRESIDENT. The resolution will be read as proposed to be amended.

The Secretary read it, as follows:

"Resolved, That a committee of five Members be elected by the Senate to inquire into the circumstances attending the assault committed on the person of the Hon. Charles Sumner, a Member of the Senate, in the Senate Chamber yesterday; and that the said committee be instructed to report a statement of the facts, together with their opinion thereon, to the Senate."

The PRESIDENT. The question is on the resolution as amended.

The resolution was agreed to.

That was not regarded as a reflection upon the Vice President or the President pro tempore.

APPOINTMENT OF A SPECIAL COMMITTEE ON RETRENCHMENT.

On December 13, 1871, Mr. Anthony, of Rhode Island:

I offer the following resolution and ask for its consideration:

"Resolved, That a standing committee of seven, to be known as the Committee of Investigation and Retrenchment, be created to investigate and report on such subjects as may be committed to it by the Senate; such committee to be elected by the Senate as other standing committees."

By unanimous consent the Senate proceeded to consider the resolution.

This resolution was debated at length, the discussion extending over several pages of the CONGRESSIONAL RECORD and taking up the entire session. It was also debated through two or three other sessions of the Senate; and thereafter, on December 18, Mr. Anthony, of Rhode Island, perfecting the resolutions which he had submitted, added thereto the following:

"Resolved, That the Committee of Investigation and Retrenchment consist of Mr. Buckingham (chairman)."

There was a Member on the floor of this Senate assuming to nominate the members of that committee—

to consist of Mr. Buckingham (chairman), Mr. Pratt, Mr. Howe, Mr. Harlan, Mr. Stewart, Mr. Pool, and Mr. Bayard.

The name of Mr. Casserly was later added as a member of the proposed committee.

The debate upon the resolution as perfected by Mr. Anthony proceeded throughout the session of December 18. The resolution was further amended by providing "that the said committee be authorized to send for persons and papers and report by bill or otherwise, and also to appoint a clerk."

While that was called a standing committee, all the debate shows plainly that it was a committee that was chosen upon the nomination of a Senator and with a view to searching the records of the departments of the opposition party. It was in character just like a special committee, although it was called a standing committee.

During the debate question was raised as to whether the resolution named the Senators who had been advocates of the Committee on Investigation and Retrenchment, and it was argued at some length that the committee should be composed of the Senators who had been most favorable to the forming of such committee.

Shortly before the adoption of the resolution the following proceedings occurred:

The PRESIDING OFFICER. The question recurs on adopting the amendment as amended.

Mr. VICKERS. I offer this amendment: To strike out the names in the original resolution, namely, "Mr. Buckingham (chairman), Mr. Pratt, Mr. Howe, Mr. Harlan, Mr. Stewart, Mr. Pool, Mr. Bayard, and Mr. Casserly," and in lieu thereof to insert "Lyman Trumbull (chairman), Charles Sumner, Eugene Casserly, Thomas F. Bayard, Henry B. Anthony, Roscoe Conkling, Oliver P. Morton, and T. W. Tipton."

Mr. EDMUNDS. On that I ask for the yeas and nays.

The yeas and nays were ordered.

The question being taken by yeas and nays, resulted—yeas 12, nays 27, absent 32.

So the amendment to the amendment was rejected.

The question upon the final passage of the resolution creating the special committee and naming the members of the committee in the resolution being taken by yeas and nays, resulted—yeas 48, nays 1.

Mr. CURTIS. Mr. President, I nominate for membership on the committee the Senator from Washington [Mr. JONES] and the Senator from New Hampshire [Mr. MOSES].

Mr. ROBINSON. Mr. President, I nominate for membership on the committee the Senator from Montana [Mr. WHEELER] and the Senator from Arizona [Mr. ASHURST].

The PRESIDENT pro tempore. The question is upon the election of the junior Senator from Iowa [Mr. BROOKHART] as chairman of the committee authorized by the Senate. [Putting the question:] The ayes have it.

Mr. McKELLAR. Let us have the yeas and nays.

Mr. ELKINS. I call for the yeas and nays.

The PRESIDENT pro tempore. The Chair is of the opinion that the ayes have it unless there be a roll call demanded. The ayes have it, and Mr. BROOKHART, the junior Senator from Iowa, is elected as chairman of the committee.

Mr. McKELLAR. I asked for a roll call. I do not know how many hands went up.

Mr. ELKINS. I also asked for a roll call.

Mr. CURTIS. I make the point of order that the result has been announced and that there were not a sufficient number held up their hands.

Mr. ELKINS. I did not hear any request to hold up hands. I asked for a roll call.

The PRESIDENT pro tempore. The demand for the yeas and nays was not sufficiently seconded. The Chair announces again the ruling that the ayes have it, and Mr. BROOKHART is elected chairman of the committee.

The question now is upon the selection of the four remaining members of the committee, which, as the Chair understands the rule, may be selected en bloc. They are Mr. JONES, of Washington; Mr. MOSES, of New Hampshire; Mr. WHEELER, of Montana; and Mr. ASHURST, of Arizona. The question is upon the election of these Senators as members of the committee. As many as favor their election will say "aye"; opposed, "no." The ayes have it, and the Senators named are elected members of the committee.

Mr. WALSH of Montana. I ask unanimous consent that there may be printed in the RECORD an article appearing in the New York World of this morning which makes a substantially accurate statement concerning some startling testimony introduced before the Committee on Public Lands and Surveys on yesterday.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

The article referred to is as follows:

THE WORLD GIVES TRANSLATED MESSAGES TO COMMITTEE—PUBLISHER REVEALED AS "SECRET AGENT."

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The World prints herewith the contents of the four most important of the code messages sent to Edward B. McLean in Palm Beach by his Washington agents during the disturbing opening days of the Teapot Dome investigation. These were among the messages made public in Washington Thursday by the Public Lands Committee of the Senate as being "entirely unintelligible."

As there is reason to believe the code which concealed the import of the messages is one used by agents of the Department of Justice, the World communicated their texts immediately to the Senate committee.

This was the committee's first clue to the real meaning of the mysterious communications. Literal translations were forwarded to the committee by mail late last night.

Department of Justice codes are limited by law strictly to working agents and for the transmission of official business. One of the first steps of the committee, it is now understood, will be to ascertain how such a code got into the possession of McLean and his confidants. Senate investigation also will show whether, as indicated, the code was used with the knowledge of high officials in the department under Attorney General Daugherty.

BURNS REVEALED AS McLEAN INFORMANT.

One of the messages to McLean reveals William J. Burns, Director of the Bureau of Investigation of the Department of Justice, as an active informant of McLean on developments in the Teapot Dome inquiry, and is the first direct link, except for one message from E. S. Rochester, between the department and any of the principals in the oil-lease scandal.

Another message of first importance advises McLean that certain "papers" have been placed in a safe-deposit box in the Commercial Bank in Washington, held jointly by him and George B. Fraser, his financial secretary. It now will be the business of the Senate committee to ascertain what these papers are and where they are at the present time.

When put together the Washington-Palm Beach series shows an effective "grapevine" of advance information to McLean, the important links in the chain of tip offs including the Department of Justice; Col. J. W. Zevely, attorney for Harry F. Sinclair and also confidential legal adviser to ex-Secretary Fall; Wilton J. Lambert, attorney for McLean; William O. Duckstein, a confidential employee of McLean in the offices of the Washington Post; and Miss Mary Quigley, chief telephone operator at the office of the Washington Post; in addition to Fraser, financial secretary to McLean.

Miss Quigley, already disclosed before the committee as an alert friend of her employer, is shown by to-day's translations to be one of the most important of the group. It was she who telegraphed Duckstein in Palm Beach that Burns had sent for her and told her to inform McLean that an investigation by Department of Justice agents was under way and that Burns believed "this information is important."

DUCKSTEIN'S WIFE IN FEDERAL EMPLOY.

Another link, not appearing on the surface of the messages, but important, is the reported fact that Duckstein's wife is or was a confidential stenographer in the Bureau of Investigation.

That there may be no clue to the form of the code in which the messages were written the World offers, not a translation, but paraphrases of their contents. These are as follows:

"JANUARY 9, 1924.

"EDWARD McLEAN, Palm Beach:

"Jaguar baptistical stowage beadle 1235 Huff Pulsator commensal fitful Lambert conation fecund-hybridize.

"WOD."

(Paraphrase.)

"Walsh will take 12.35 Atlantic Coast Line to-night and not Seaboard Air Line. Lambert will accompany him.

"WILLIAM O. DUCKSTEIN."

"JANUARY 9, 1924.

"EDWARD McLEAN, Palm Beach:

"Zev hocusing imagery commensal abad opaque hosier lectionary. Clot prattle lamb jaguar rovod timepiece nudity. Hocusing lectionary chinchilla peternet bedraggled rip rale overshadow quake. Zev pentecost swine herd lamb lambert eulogies lodgment reveling hosier encapsulates ketose bombardment romancer commensal ketose lambert konite reeve lectionary Jaguar baptistical fitful huff. Waxwork pairless cascade wippen.

"WOD."

(Paraphrase.)

"Zevely believes investigation is progressing entirely in your favor. He doesn't think much of Walsh as a cross-examiner. He thinks you needn't worry about approaching examination. Zevely went over with Lambert questions that will probably be asked you, and Lambert will advise you regarding answers. Walsh due 8 o'clock Friday morning.

"WILLIAM O. DUCKSTEIN."

PAPERS PUT IN SAFE-DEPOSIT BOX.

"JANUARY 11, 1924.

"EDWARD McLEAN, Palm Beach:

"Cravingly in dxewoux resurge ledgment allment fastidious tuck skewered suckled scrag emerge vethousl punctators gob. Virgin lectionary jangler highlander kelder hobgoblin roguery sawbuck hosier bonka gob saline dismounted renominated torso.

"W. O. D."

(Paraphrase.)

"According to Lambert's instructions, the papers have been put in the safe-deposit box belonging to you and Fraser in the Commercial Bank. Would you like to have them where they will be available to me? I will be all day at the office of the Post.

"WILLIAM O. DUCKSTEIN."

"Mr. W. O. DUCKSTEIN, Palm Beach:

"Haxpw sent overbuy bonka and householder bonka sultry tkvonop prozoics bepelt goal hocusing this pouted proponent.

"MARY."

(Paraphrase.)

"Sent for by Burns, who told me to say McLean investigation is under way by special agents of Justice Department. He believes information is important.

"MARY."

(Quigley, chief telephone operator in office of Washington Post.)

Arrival this morning in Washington of the exact translations of the code messages, and their examination by the Public Lands Committee

will probably have an important effect on the question of the continuance of Harry M. Daugherty in President Coolidge's Cabinet. The intimate connection now shown to exist between the Attorney General's department and McLean during the Teapot Dome inquiry will increase the growing demand for his resignation, and, failing that, his forced retirement. The Burns message alone, it is thought, will prove a sufficient ground.

One defense likely to be offered by the department officials, it was reported last night, is that McLean has been for some time a secret agent, though for what purpose has never been disclosed. He wears an agent's badge under his coat, according to report, and has the regular credentials. But even this, it is pointed out, would not justify the use of a department code for private messages, nor would it account for the code being in the hands of Duckstein and Miss Quigley.

Another aspect of the situation which probably will figure in the further investigation of these messages is the fact that the Burns-Quigley message apparently disclosed the fact that an investigation had been started by the department.

One authority on Federal law informed the World last night that the disclosure of any official secret of this nature furnished grounds for a prosecution on a charge of conspiracy. All parties taking part in the disclosure of a confidential Department of Justice matter probably would be involved in the same charge, it was said.

AWARE OF CODE DANGER.

That the senders and receivers of the messages decoded yesterday were aware of the danger involved in the use of their code is indicated by the fact that they used it in only 4 messages thus far brought to light out of the 30 or more exchanged between the McLean camps during the course of the investigation.

The alleged Department of Justice code was dropped after January 11. A message signed "Chris," January 22, is in a different code. Then follows a series of undated messages in which the terminology of the orchard replaces the heavy phraseology of the previous code and the meanings are conveyed by references to "apples," "peaches," "apricots," and "cherries." The fruit messages have not been decoded by anyone outside the McLean circle, so far as could be learned last night.

One explanation of the sudden change in codes is found in the telegram from John Major to McLean, dated January 23, which the Senate committee made public on Thursday. This message shows that Duckstein, known as "The Duck," was under suspicion. Major telegraphed:

"After you telephoned this morning instructions to Lambert, the Duck at once telephoned his wife and, according to Mary Quigley, who listened in on the line, said: 'I have them where I want them. I will make them bow to me before I am through. I am turning over this stuff without receipt, but you know my intentions.' Mary Quigley, whom I trust with any secrets you or I may have, informs me that Mrs. Duckstein said: 'Billy, you have the right idea at last.'"

Duckstein's alleged exclamation, "I have them where I want them," may, it is pointed out, have referred to the illegal use of the code, a conclusion further borne out by another caution from Major to McLean:

"My advice to you is not to acquaint the latter party (the Duck) with our new code system. However, use your own judgment about that."

BURNS WAS DAUGHERTY'S CHOICE.

William J. Burns was appointed Director of the Bureau of Investigation of the United States Department of Justice by Attorney General Daugherty in 1921. He succeeded William J. Flynn, a former chief of the Secret Service.

Burns's appointment caused a protest from various quarters. Both former Attorney General Wickersham and Samuel Gompers were among those active in opposing him.

At the time of his appointment Burns was the directing head of the William J. Burns International Private Detective Agency, with a principal office in the Woolworth Building. Burns, following his appointment as head of the Department of Justice, announced he had withdrawn from his private agency and turned the business over to his sons, Raymond and Sherman.

Shortly after Burns took office he appointed Gaston B. Means as a special agent of the Government. Means had previously been employed as a private detective in the Burns Agency. Gaston B. Means was under investigation by the United States Military Intelligence for pro-German activities during the World War. He also had been tried and acquitted on the charge of murder of Mrs. Maud King, in Concord, N. C., in 1918. Means, according to Burns, was dismissed from the Government's pay roll following repeated protests received by Burns.

Means is now awaiting trial in Federal court here on charges of conspiracy in connection with liquor graft traffic.

Burns shortly after becoming head of the Department of Justice announced he would solve the Wall Street bomb explosion. At various intervals during that period he announced what on each occasion he termed a "positive solution," although different in each case. Before entering private detective work he was a Secret Service operative.

After leaving this position he became identified with the prosecution in the San Francisco graft inquiry. Following this he became active in running down the perpetrators of the Los Angeles Times dynamite explosion.

Burns's appointment by Daugherty was the result of a friendship formed while they were neighbors in Columbus, Ohio. The director maintains a New York home at Scarborough.

EXECUTIVE SESSION.

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and the Senate (at 4 o'clock and 15 minutes p. m.) adjourned until Monday, March 3, 1924, at 12 o'clock meridian.

CONFIRMATIONS.

Executive nominations confirmed by the Senate March 1 (legislative day of February 29), 1924.

PUBLIC HEALTH SERVICE.

Hugh S. Cumming to be Surgeon General.
Gregory J. Van Beeck to be assistant surgeon.
Frank J. Halpin to be assistant surgeon.
Russell R. Tomlin to be passed assistant surgeon.

POSTMASTERS.

ALABAMA.

Ora B. Wann, Madison.

ARKANSAS.

Charles N. Ruffin, De Witt.
Julius L. Stephenson, Everton.
Ralph F. Locke, Lockesburg.
John W. Seaton, Luxora.
William E. Hill, Norphlet.
Warren P. Downing, Weiner.

COLORADO.

Bessie Salabar, Bayfield.
Alice A. Blazer, Elizabeth.
Ben H. Glaze, Fowler.
Paul C. Boyles, Gunnison.
Nettie Elliott, Loma.
John R. Munro, Rifle.

CONNECTICUT.

Marshall Emmons, East Haddam.
Harry K. Taylor, Hartford.
Sidney M. Cowles, Kensington.

DELAWARE.

George W. Mitchell, Ocean View.

FLORIDA.

Arthur H. Fuller, Altamonte Springs.
Mary Conway, Green Cove Springs.
Frank Watts Hall, Labelle.

IDAHO.

Clarence P. Smith, Eden.
John E. McBurney, Harrison.
Hannah H. Bills, Kimberly.

ILLINOIS.

Benjamin W. Landborg, Elgin.

IOWA.

Lewis H. Roberts, Clinton.
Masel F. Sawin, Oto.

KANSAS.

Joseph V. Barbo, Lenora.
George J. Frank, Manhattan.
Nora J. Casteel, Montezuma.
Anna M. Bryan, Mullinville.

KENTUCKY.

Harvey H. Pherigo, Clay City.
Lois Belcher, Greenville.
Roy J. Blankenship, Hichins.
Sam H. Fisher, McRoberts.
Elizabeth A. Bradley, Van Lear.
Fred Hall, Weeksbury.

MAINE.

Thomas E. Wilson, Kittery.
Winfield L. Ames, North Haven.
Hiram W. Ricker, jr., South Poland.
Parker B. Stinson, Wiscasset.

MARYLAND.

Harry E. Pyle, Aberdeen Proving Ground.
Charles F. Peters, Western Port.

MASSACHUSETTS.

Fred C. Small, Buzzards Bay.

MINNESOTA.

Ida E. Marshall, Babbitt.
Frederic E. Hamlin, Chaska.
Charles G. Carlson, Gibbon.
Francis S. Pollard, Morgan.
Selma O. Hoff, St. Hilaire.
Alfred Gronner, Underwood.

NEW YORK.

Medose J. Robert, Au Sable Forks.
Elmer C. Wyman, Dover Plains.
Rose H. Munsey, Dryden.

OHIO.

Arthur L. Van Osdall, Ashland.
Edward M. Barber, Ashley.
Charles E. Kniesly, Bradford.
Elizabeth A. Krizer, Bremen.
Andrew L. Brunson, Degraff.
Elizabeth I. Grimm, Hopedale.
Bayard F. Thompson, Jewett.
William H. Snodgrass, Marysville.
Clem Couden, Morrow.
La Bert Davie, New Lexington.
Orlando W. Schwab, Port Washington.
Rufus A. Borland, West Jefferson.

OKLAHOMA.

John P. Jones, Roff.

PENNSYLVANIA.

William A. Leroy, Canonsburg.
Thomas Collins, Commodore.
Joseph N. Ritchey, Falls Creek.
Tillie Bradley, Loretto.
Winston J. Beglin, Midland.
Thomas J. Kennedy, Renfrew.
Edna Bracken, Wehrum.

TENNESSEE.

Thomas W. Williams, Lucy.

TEXAS.

Gustav A. Wulfman, Farwell.
Theodor Reichert, Nordheim.
Hal Singleton, O'Donnell.
Silas J. White, Rising Star.
William J. Davis, Silsbee.
Fannie Dawson, Wilson.

WEST VIRGINIA.

Guy E. McCutcheon, Reedy.

HOUSE OF REPRESENTATIVES.

SATURDAY, *March 1, 1924.*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O Lord of life, Thy benediction enlightens, cheers, and blesses. Thy earthly children, we therefore own Thee as our Father and our God. Cause us to keep Thy precepts and walk in the ways of Thy wisdom. We thank Thee that we share Thy rational and spiritual nature and may draw our usefulness and happiness from the great infinite source of all truth. Let us hear the inward voice that speaks in terms of peace, righteousness, and purity, and keep us this day without sin. May the dawn of the morrow come to us with the breath of God, blessing us and making us to rejoice and be glad about our happy hearthstones. Amen.

THE JOURNAL.

The Journal of the proceedings of yesterday was read.

The SPEAKER. Without objection, the Journal will stand approved.

Mr. GARRETT of Tennessee. Mr. Speaker, reserving the right to object, I should like to make an inquiry. I notice in the reading of the Journal it was stated that the gentleman from Oregon offered the following amendment to the Garner amendment. Of course, we all know what that means, but

does the Journal show amendments by the name of the individual introducing them?

The SPEAKER. The Chair thinks not. The Chair thinks the amendments are reported by their number.

Mr. GARRETT of Tennessee. Of course, so far as the Record is concerned, that is all right, but in the Journal, which is, after all, the official record of the body in any legal controversies or constructions that may arise, it occurs to me that to use the name of the individual might possibly be meaningless.

The SPEAKER. The Chair thinks the Journal clerk should make the correction according to the suggestion of the gentleman from Tennessee.

Mr. GARRETT of Tennessee. As I recall it, the amendments are set out in the Journal, I believe, under some sort of number. I am quite sure that is correct. I simply call attention to that matter.

The SPEAKER. With the correction indicated, the Journal will stand approved.

There was no objection.

DEFICIENCY APPROPRIATION BILL.

Mr. MADDEN, chairman of the Committee on Appropriations, by direction of that committee, reported the bill (H. R. 7449) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1924, and prior fiscal years, to provide supplemental appropriations for the fiscal year ending June 30, 1924, and for other purposes, which, with the accompanying report, was ordered printed and referred to the Committee of the Whole House on the state of the Union.

Mr. BYRNS of Tennessee reserved all points of order.

EXPUNGING REMARKS FROM THE RECORD.

Mr. MICHAELSON. Mr. Speaker, it has been called to my attention that remarks which I made under the privilege of extension contained matter in violation of the rules of the House. It has never been my intent, and is not now, willfully to violate any rule of the House, much less so in an extension of any remarks I may have the privilege of making. If that is so, and it seems to be so, I ask unanimous consent to withdraw, revise, and reextend my remarks upon this very important subject of water diversion from Lake Michigan.

The SPEAKER. The gentleman from Illinois asks unanimous consent to withdraw, revise, and reextend remarks he made in the Record. Is there objection?

Mr. RAINEY. Mr. Speaker, reserving the right to object, may I suggest to my colleague that the first part of his remarks contains a valuable contribution to the subject and contains much valuable information, and that he withdraw that portion of his remarks to which objection has been made. The rest of it is all right and is a valuable contribution to the subject.

Mr. MICHAELSON. Mr. Speaker, I thank the gentleman for his suggestion, but I would rather proceed the other way and withdraw the entire matter and revise and reextend if I may have that privilege.

Mr. CONNALLY of Texas. Mr. Speaker, reserving the right to object, does the gentleman from Ohio withdraw his motion, which is in the Record, to strike out these remarks? This would not be in order otherwise.

Mr. LONGWORTH. I do not think the motion is pending now. I am certainly entirely satisfied with the statement of the gentleman.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. MICHAELSON. Mr. Speaker, in accordance with an agreement entered into by the trustees of the sanitary district of Chicago and Members of Congress representing Chicago districts, I, as the Illinois Member of the Rivers and Harbors Committee, introduced in the House on November 9, 1921, a bill (H. R. 9046) providing for the amount of water which may be withdrawn from Lake Michigan by the Sanitary District of Chicago, giving authority therefor, and fixing the conditions of such withdrawal.

This bill, because of objections raised by the War Department, failed of passage. Believing that a study by the War Department of facts and figures subsequently presented relative to the Chicago drainage question will now bring about a favorable report, I reintroduced the bill (H. R. 6873) on February 11, 1924.

This bill, when passed, will authorize by law the withdrawal of 10,000 cubic feet of water per second from Lake Michigan, an amount which is necessary to properly dilute and take care of the sewage of Chicago's 3,000,000 population, thereby pre-